IOWA AND THE NATION

CHANDLER

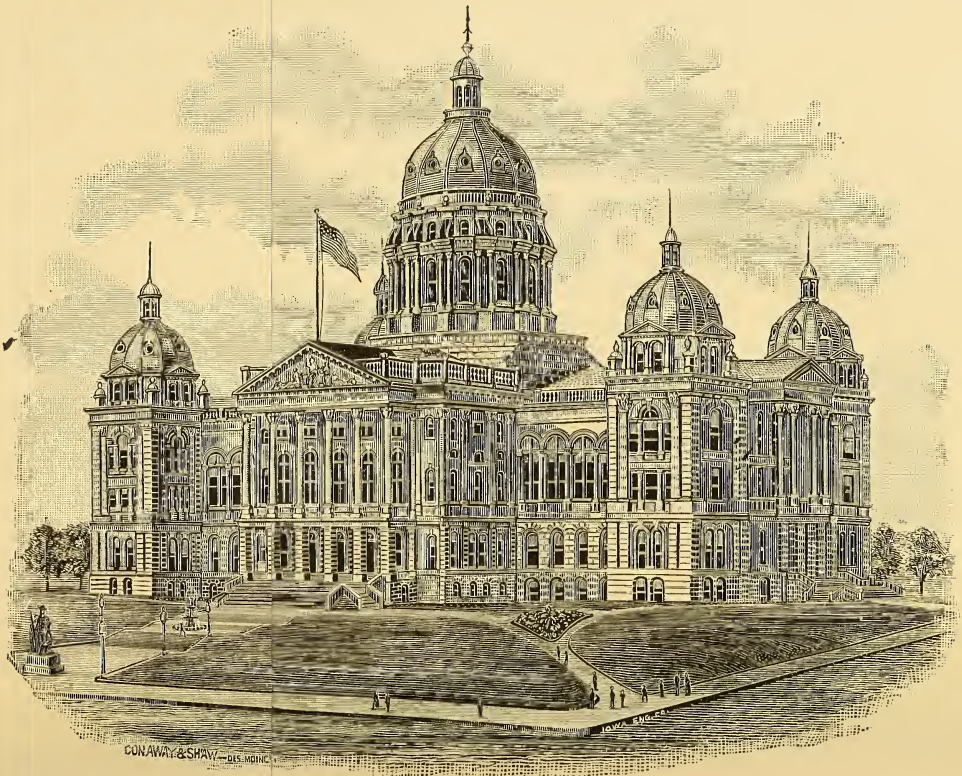
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Iowa State Capitol.

IOWA AND THE NATION

BY

GEO. CHANDLER,
Superintendent of City Schools,
OSAGE, IOWA.

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PREFACE.

This book has been written to answer a demand for a single text on state and national government. The increasing interest shown in the study of civil government is proof that the people are thinking and studying about governmental affairs as never before.

The statements of fact in some parts of the book are necessarily brief. To supplement the work in the study of Iowa government, constant reference should be made to the code, and also to the session laws of the general assembly. Many valuable public documents, for use in supplementary work, may be had, free of charge, by applying to the officers who have the care of the work upon which the information is desired.

A knowledge of the facts of civil government will not in itself result in good citizenship. If, as is so often stated, the primary object of the public schools is to train for citizenship, the work is but poorly done that does not have for its foundation the formation of right habits of thought and action, the development of noble manhood and womanhood.

That this book may be as kindly received as its predecessor is the wish of

THE AUTHOR.

OSAGE, IOWA, June 1, 1895.

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CIVIL GOVERNMENT OF IOWA.

CHAPTER I.

THE TOWNSHIP.

In Iowa, the term "township" is an important one, as it represents that division of the government which is nearest the people. It is in the township that "a government of the people, by the people, and for the people" exists in its truest sense. It is here that the people meet at stated times to determine how their local government shall be carried on.

Kinds of Townships.—There are three different kinds of townships in Iowa — congressional, civil, and district. The congressional township was provided for long before Iowa was admitted into the Union, and it has served as the basis of nearly all the land surveys made in this country since our government was first organized in 1789. The congressional township is a tract of land six miles square, and it is divided into thirty-six square miles, or sections, each section containing six hundred and forty acres. Be-

low is given a diagram of a congressional township, with the sections numbered as they occur in all such townships:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

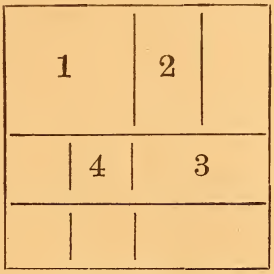
Each section may be separated into parts, as shown in the following diagram, and each part easily described:

SECTION.

N. W. $\frac{1}{4}$	N. E $\frac{1}{4}$
S. W. $\frac{1}{4}$	S. E. $\frac{1}{4}$

Each quarter section may also be divided according to a regular plan.

SOUTH-EAST QUARTER OF SECTION 16.



Number "1" is the north-west quarter of the south-east quarter of section 16, and contains forty acres.

Number "2" is the west one-half of the north-east quarter of the south-east quarter of section 16, and contains twenty acres.

Number "3" is the north one-half of the south-east quarter of the south-east quarter of section 16, and contains twenty acres.

Number "4" is the north-east quarter of the south-west quarter of the south-east quarter of section 16, and contains ten acres.

Land Titles.—It is important that our system of surveys be thoroughly understood, for all the descriptions of land given in deeds, mortgages, leases, tax-receipts, etc., are based upon it. The first deeds to land in Iowa were given in the name of the United States, and the chain of title to any piece of land in the state can be traced back to these deeds, or patents, as they are called, and no farther.

Principal Meridians.—Before commencing the sur-

vey proper, it is necessary to establish two main lines, one extending north and south and the other east and west. These lines are purely arbitrary and they are located without special reference to any other lines of the same kind that may have been surveyed before. New lines are established whenever they are needed for convenience in making a survey. The lines extending north and south are called principal meridians, and those extending east and west are called base lines. The principal meridians are numbered westward and a separate base line is established for each.

Survey in Iowa.—The fifth principal meridian forms the basis of the United States land survey in Iowa. It extends due north from the mouth of the Arkansas river, crosses Missouri and the eastern part of Iowa, and passes out of the state at a point between Clayton and Dubuque counties. The base line extends due west from the mouth of the St. Francis river in Arkansas, and crosses the principal meridian forty-eight miles north of its starting point. By surveying lines six miles apart parallel with the base line, and others the same distance apart parallel with the principal meridian, the land lying north and west of the point of intersection of the main lines is divided into blocks six miles square. Each of these blocks is called a congressional township.

Townships and Ranges.—To locate land by this system of surveys, two sets of numbers are used, one designating the townships north of the base line, and the other the townships west of the fifth principal meridian. Land may also be surveyed south from the base line and east from the principal meridian. For convenience the tiers of townships east or west of the principal meridian

are called ranges, and north or south of the base line, townships.

Land lying in the south-east corner square of this survey is in township one north, range one west of the fifth principal meridian. Every congressional township lying west of the one mentioned is township one north, and every township north of it is in range one west. The townships are numbered northward or southward from the base line, and the ranges eastward or westward from the principal meridian. The civil township of Wayne, in the north-eastern part of Mitchell county, is township one hundred north, range fifteen west of the fifth principal meridian. The pupil should become so familiar with this system of surveys that he can locate, by numbers, any land in the county in which he lives.

Correction Lines.—Owing to the convergence of meridians in passing northward, it has been found necessary to establish secondary lines parallel with the base line. These are called correction lines, and there are four of them in Iowa. They are the northern and the southern boundaries of the state and the northern boundaries of townships seventy-eight and eighty-eight north.

CHAPTER II.

THE TOWNSHIP—CONTINUED.

Civil Townships.—The civil township is the unit or basis in local government. Every county is divided into several civil townships, and each township is named. Township names were given by the early settlers, and often in honor of some prominent member of the first company of settlers that entered the township. Many counties in Iowa were settled about the time the Rebellion began, and in those counties such names as Lincoln, Douglas, Liberty, and Union are common. The boundaries of a civil township may be the same as those of a congressional township, but very often a civil township is formed from parts of two or more congressional townships. The early settlers established the civil townships to suit their own convenience, and in some counties but few of the civil townships have the same boundaries as the congressional townships.

To the people of Iowa, the civil township is a very important division. Comparatively few state and county officers are needed, but there is hardly a county in the state that does not have at least four hundred officers whose duties are confined to the civil township. The greater part of all the money raised by taxation is expended in the township under the direction of its officers.

District Township.—The district township is a division for school purposes and its boundaries must always

be the same as those of some civil township. The public schools are free to all residents of the state between the ages of five and twenty-one years. Each district township is a school district, and the business connected with the management of its schools is done by a board of directors.

Sub-districts.—Each district township is separated into as many sub-districts as may be necessary, and a member of the board of directors, called a sub-director, is chosen from each sub-district by its qualified voters. The sub-directors of a township are chosen on the first Monday in March of each year for a term of three years, one-third of the whole number, as nearly as possible, being chosen each year.

Township Meeting.—On the second Monday in March, the qualified voters of the district township meet to transact business of a general nature connected with the management of the schools of the township. If it is necessary to build a new school-house in the township, the money must be raised by a tax voted at this meeting. If any school property is to be disposed of, the sale must be ordered at this meeting.

Board of Directors.—On the third Monday in March, the sub-directors meet and organize as a board of directors by choosing one of their number president. They then proceed to the transaction of such business as may come before them. They allow all just claims against the district, hire teachers, or delegate this power to the director in each sub-district subject to approval by the president of the board; estimate the amount of money to be raised for the support of schools and provide for building and repairing schoolhouses.

Officers of School Board.—The president presides at all meetings of the board and of the district township, signs all orders for the payment of money from the district treasury and all contracts made by the board. At the regular meeting of the board held on the third Monday in September of each year, a secretary and a treasurer are chosen for one year. The duties of these officers are such as their titles indicate.

Independent Districts.—Cities, incorporated towns, and villages having not less than two hundred inhabitants may be organized as independent school districts. In districts of this kind having less than five hundred inhabitants, the board of directors consists of three members, one of whom is chosen on the second Monday in March of each year for a term of three years. In districts having a population of at least five hundred there are six directors, two being chosen each year for a term of three years. The secretary may, or may not, be a member of the board, but no director of an independent district can fill the office of treasurer.

Rural Districts.—By the provisions of a former law rural independent districts were formed in district townships, each district having a board of three directors, one being chosen on the second Monday in March for a term of three years. In some instances each sub-district became independent, while in others a different plan for the division of the township was adopted. A district township may also be organized as an independent district, thus doing away with sub-districts. So far as practicable the law governing district townships applies to independent districts.

School Funds.—The money for the support of schools

is kept in three separate funds in each district. These are known as the teachers' fund, which is used for the payment of teachers; the schoolhouse fund, used in building and repairing schoolhouses and purchasing school grounds; and the contingent fund, which is used in the purchase of supplies and the payment of the incidental expenses of the school. Nearly all of the money needed for the support of any school is raised by a tax levied on the taxable property of the district in which the school is located.

Teachers' Fund.—The teachers' fund is derived from the semi-annual apportionment which includes the interest on the permanent school fund of the state, fines and forfeitures of various kinds, and a county school tax of not less than one mill, nor more than three mills, on a dollar, which is levied by the board of supervisors on the taxable property of the county. The money paid by non-resident pupils as tuition for the privilege of attending school in a district in which they do not reside also forms a part of this fund. In addition to these sums, the directors of each district on the third Monday in March, or between that time and the third Monday in May of each year, vote to raise a tax for teachers' fund upon the property of their district, not to exceed fifteen dollars for each person of school age, except as provided for in the next paragraph.

Contingent Fund.—The contingent fund is raised by taxation on the property of each school district, and is estimated by the board of directors at the time of estimating the teachers' fund. The amount raised for contingent expenses cannot exceed five dollars per pupil, except in thinly settled districts where that amount and fifteen dollars per pupil for teachers' fund is not sufficient to maintain the

schools for six months of twenty days each as required by law. Seventy-five dollars contingent fund and two hundred and seventy dollars teachers' fund, including the semi-annual apportionment, may be raised for the support of each school in the state every year.

Schoolhouse Fund.—The schoolhouse fund is derived from the tax upon the property of any district in which a school house is to be built or repaired. This tax is voted by the electors of the sub-district or district township, and cannot exceed ten mills on the dollar when levied upon the property of the entire township. At the sub-district meeting held on the first Monday in March, the electors may vote to raise a certain sum of money for the erection of a schoolhouse. If the electors at the district township meeting, the following Monday, refuse to grant any or all of this amount, the tax is levied on the property of the sub-district, not to exceed fifteen mills on a dollar of valuation. As a rule, the tax for schoolhouse purposes is levied upon the property of the whole district and expended in the different sub-districts as occasion may require.

Taxes Certified.—The district secretaries certify all taxes for school purposes to the county auditor on or before the third Monday in May, and the levy of the taxes is made by the board of supervisors at the time of levying the taxes for county purposes at their regular meeting in September.

CHAPTER III.

EDUCATION—SCHOOL FUNDS.

The Public Schools.—The people of Iowa have always taken great interest in education and have done much for the establishment and support of the public schools. Even before the early settlers had erected comfortable homes for themselves, they began to look about them for the means with which to build schoolhouses. Contributions of logs and other materials were made by those who had them to give, and others bore their part of the burden by aiding in the construction of the houses. In many instances, teachers received a part of their wages in "boarding round." From these humble beginnings the educational interests have constantly improved, until now her school system is considered one of the best in the United States. In 1894, Iowa had nearly fourteen thousand schoolhouses, employed more than twenty-eight thousand teachers, and expended nearly ten million dollars for the support of her public schools.

Land Grants.—Upon her admission into the Union, Iowa received a grant of five hundred thousand acres of land from the United States, which was at once set apart for school purposes. In 1845, congress passed a law providing that section sixteen of each unorganized congressional township in all new states should be known as the school section of the township, and the money obtained from the sale of this land should form a part of the per-

manent school fund of the state. By another act of congress, five per cent. of all the money received from the sale of public lands in any state is paid into the state treasury for the benefit of the schools of the state.

Permanent School Fund.—The permanent school fund of Iowa is the money obtained from the sale of lands granted in these three ways, together with the money received from the estates of deceased persons who may have died without leaving a will or any lawful heirs. This money is distributed among the counties of the states and loaned on real estate security under the direction of the boards of supervisors. There never can be any loss of money from the fund, for should any county fail to invest the money properly, the interest must be paid out of the general county fund until such time as the money can be returned to the school fund. The permanent school fund can never be appropriated to any other use.

Semi-Annual Apportionment.—The interest upon the permanent school fund is distributed among the different counties of the state twice a year, and on this account, it is known as the semi-annual apportionment, or public money, as it is frequently called. The basis of distribution of interest is found by dividing the amount to be distributed by the number representing all the persons of school age in the state. The treasurer of each school district receives for the benefit of the teachers' fund of that district as many times the basis of distribution as there are persons of school age in the district. This interest is increased in each county by the net proceeds of all fines and forfeitures paid into the county treasury, and the amount received from the county school tax of from one to three mills on the dollar. which is levied by the county supervisors.

CHAPTER IV.

TOWNSHIP OFFICERS.

The officers of a civil township are three trustees, a clerk, an assessor, two constables, two justices of the peace, and as many road supervisors as there are road districts in the township.

Trustees.—The township trustees have many important duties to perform. They decide upon the place of holding elections, equalize taxes, and have charge of all cemeteries not controlled by other trustees, or by religious societies. They constitute the board of health of the township, act as fence viewers, overseers of the poor, and judges of election. One trustee is chosen at the general election each year for a term of three years. All other township officers are elected in the even numbered years, and they serve two years.

Duties.—The regular meetings of the trustees are held on the first Monday in April and October of each year. At the April meeting they estimate the amount of property tax to be used in improving highways and purchasing plows, scrapers, and material for building and repairing bridges. This road tax cannot be less than one mill nor more than five mills on the dollar of assessment for that year. They also determine what portion of the tax, if any, shall be paid in labor on the highway.

Clerk—Duties.—The township clerk is secretary of the board of trustees, and it is his duty to keep an accurate record of the business done at all meetings of the board of trustees. He acts as clerk of election, has charge of the property of the township and receives the resignation of township officers. Immediately after an election he sends to the county auditor a list of the names of persons who received any votes for any office to be filled at that election, the number of votes each person received and the time of holding the election. He is empowered to administer the oath of office to township officers. As clerk of election, it is his duty to preserve all the ballots cast at any election, together with the tally list, until the time for contesting the election of any officer voted for has passed.

Assessor.—The township assessor is required to make a list of all the property of the township, both personal and real, and to assess its value for the purpose of taxation.

Valuation of Property.—To secure uniformity of assessment the county supervisors, at their January session, fix the value of the different kinds of property by classes. Each assessor in the county is furnished a copy of this classification of property, and in this way something of uniformity of taxation is obtained.

Assessment.—The work of the township assessor is an important one, and sometimes quite difficult to perform to the satisfaction of property holders. Certain property is by law exempt from taxation. The assessor must inspect every piece of property subject to taxation in the township and determine its value for taxable purposes. As a rule,

property, except moneys and credits, is assessed at about one-third of its cash value. The term moneys and credits includes cash in the bank, notes, mortgages, and bonds not exempt by law from taxation. There seems to be a popular notion that this kind of property should not be taxed at all and many plans are adopted to evade the law. There is little uniformity in assessing this kind of property and some abuses connected with listing moneys and credits should be corrected.

Listing Property.—On or before January fifteenth of each year the assessor receives from the county auditor two books to be used by him in assessing the property of the township. In each of these books he records all the items relating to the property he has assessed. One of these books is delivered to the township clerk on or before the regular meeting of the board of trustees on the first Monday in April, and it is used by them in equalizing assessments and levying taxes for township and highway purposes. Personal property is assessed every year, but real estate only in the odd-numbered years, and the value of real estate fixed in any year is also made the basis of taxation for the following year.

Equalizing Values.—It has been stated elsewhere that the trustees act as a board of equalization. When acting in this capacity it is their duty to examine the assessor's book carefully to see that no injustice has been done in fixing the valuation of property. Any person who thinks his property has been improperly assessed may appear before the board of trustees at their April meeting and petition that body to correct the wrong.

Exemptions.—In general, the following classes of

property are exempt from taxation and are not assessed: The property of the United States and of the state of Iowa, including school lands and all property leased to the state; the property of school districts, townships, incorporated towns, cities and counties, when used exclusively for the benefit of the public and not for profit; the property of literary, scientific, benevolent, agricultural and religious institutions which is devoted to the appropriate uses of these institutions; the estates of persons who, by reason of age or infirmity, are unable to contribute to the public revenue; farming utensils and the tools of any mechanic, not to exceed three hundred dollars in value in any case; and government or state lands during the year in which they may have been sold to private parties.

Militia.—At the time of making the annual assessment, each assessor is required to make and return to the county auditor a list of the names of all persons subject to military duty, which includes all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempt by the laws of the United States or of this state.

Census.—Section 113, Code of Iowa, provides that, at the time of assessing property in 1875, and every ten years thereafter, the assessor shall make an enumeration of the inhabitants of his township. The result of this counting of the people is reported to the county auditor by the first day in June following.

An abstract of the number of people living in all the townships of the county, as shown by the report of the assessor, is made by the county auditor and forwarded to the secretary of state by the first day of the next Septem-

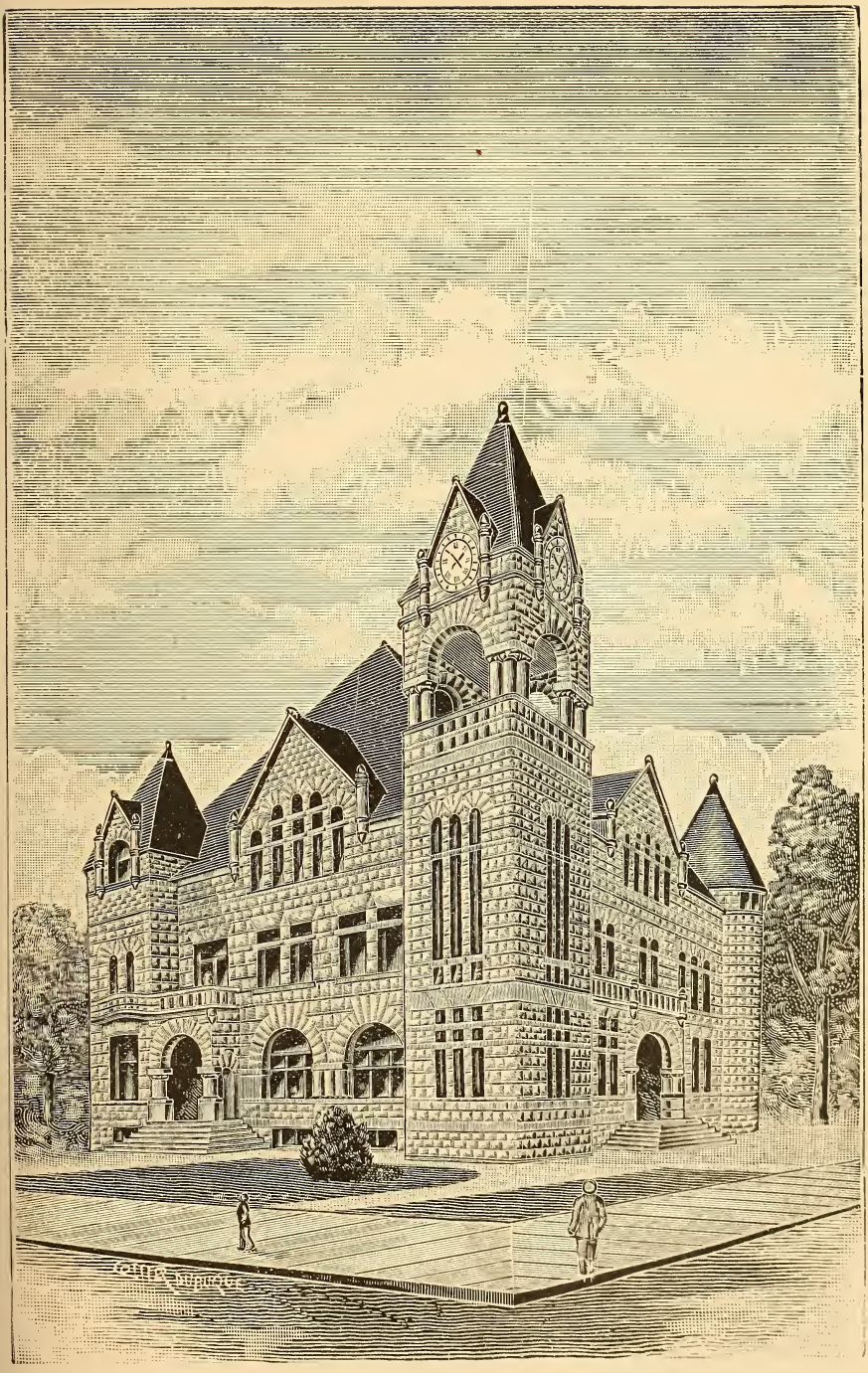
ber. This counting of the people is called taking the census. The census shows not only the number of inhabitants, but a collection of many interesting facts pertaining to the militia, the foreign population, and the condition of all the leading industries of the state.

CHAPTER V.

TOWNSHIP OFFICERS—CONTINUED.

Justices of the Peace.—The jurisdiction of justices of the peace, when not specially restricted by law, is co-extensive with the county in which they reside. Each justice keeps a record book, or docket as it is called, in which he records all official acts done by him. The principal duty of justices of the peace is to hold court for the trial of certain kinds of offenses, and for the settlement of disputes or the collection of small sums of money by process of law.

Lawsuits.—Suits at law are of two kinds, civil and criminal. A civil suit is one for the enforcement or protection of right or the prevention of wrong doing. A criminal suit is brought in the name of the state for the purpose of punishing an offender against the criminal laws of the state. Crimes are of two classes, felonies and misdemeanors. A felony is a crime that may be punished by imprisonment in the penitentiary, or by heavy fine. A misdemeanor is a minor crime, and is punished by light fine or imprisonment in the county jail. Murder, manslaughter, burglary, arson, grand larceny, and several other crimes are felonies. Petit larceny, assault and battery, drunkenness, the refusal of an officer to perform his official duties, and other lighter offenses are misdemeanors. The person who begins the suit is called the plaintiff, and the person sued, the defendant.



High School Building, Dubuque.

Notice of Suit.—Some suits in justice courts may be commenced by the voluntary appearance in court of both parties to the suit. In many cases, a written notice from the justice of the peace to the defendant is necessary. Such a notice must contain the name of the defendant, or a description of him, if his name is unknown, the nature of the claim, the amount claimed by the plaintiff, and the time set for trial. The notice is then given to the sheriff or any constable of the county, to be served upon the defendant. The notice must be served within ten days of the time it is issued, and the trial must be held within fifteen days of the date of the notice. The defendant in any civil suit may put a stop to the proceedings at any time by paying the amount of the claim with the costs that have accrued.

Change of Venue.—Before the trial commences, either party may have it changed to some other justice court by filing an affidavit, or written statement under oath, stating:

1. That the justice is prejudiced againt him.

2. That the justice is a near relative of the other party to the suit.

3. That the party filing the affidavit considers the justice a material witness against him.

4. That he believes he will not receive justice at the hands of the officer before whom the action was commenced.

This is called a change of venue, and it is designed to be a protection to personal rights. After a case has come to trial, it may be postponed for not more than sixty days to enable either party to secure additional witnesses. In many civil cases, a jury of six members is chosen to try the

case, and any person accused of crime has the right to demand a jury trial.

Collection of Money.—A suit for the collection of a promisory note may be commenced in a justice court, provided the amount claimed does not exceed one hnndred dollars, or by special agreement of both parties, three hundred dollars. In criminal cases justices have jurisdiction over the trial of misdemeanors, and they may hold preliminary trials in graver offenses.

Trial by Higher Court.—If a person charged with having committed a felony is examined before a justice of the peace and the evidence seems to show the accused to be guilty, the justice cannot decide the case and affix the penalty. It is his duty to bind the prisoner over to appear for trial at the next session of the district court. When a prisoner is bound over to appear before a higher court for trial, he gives a bond signed by responsible parties, in which it is agreed that if the accused does not appear for trial at the proper time, the amount of money named in the bond will be paid over to the proper officers for the benefit of the school fund of the county. Persons who cannot furnish bonds in such cases are sent to the county jail to await trial.

Jurisdiction.—In criminal matters, the jurisdiction of justices of the peace extends to all cases, less than felony, committed in their respective counties, in which the punishment prescribed by law does not exceed a fine of one hundred dollars or imprisonment in the county jail thirty days. The mode of procedure is much the same in both civil and criminal cases. In any criminal action the defendant may, before any testimony has been taken,

demand a trial by jury. If the person is found not guilty, he is set at liberty at once. If he is convicted, the justice renders the judgment of fine, or imprisonment, or both, as the case may require. Criminals sometimes plead guilty to the crimes of which they are accused in the hope of receiving a light sentence. Besides performing the duties above mentioned, a justice of the peace may take acknowledgments of deeds, mortgages, and other papers, solemnize marriage ceremonies, and bind over disorderly persons to keep the peace.

Constables.—The constable is the police officer of the township and the proper executive officer of the justice court, but any of the duties required of him may be performed by the sheriff of the county.

Duties.—It is the duty of the constable to serve all warrants, notices, and other legal papers, when lawfully directed to do so by the trustees or clerk of the township, or by any court, and to perform certain other duties as required by law. He is forbidden to act as attorney for any party, or to purchase any property offered for sale by him upon execution or other process. Constables, although elected by the voters of their respective townships, may be called upon to perform their official duties in any part of the county. Hence they may be considered county officers in a special sense.

Road Supervisors.—Each road supervisor must reside in the district from which he is chosen, but no person who is exempted from performing labor on the highway can be required to serve in this capacity. Within four weeks after the township trustees have levied the property tax, the township clerk furnishes each supervisor with a tax

list for his district, which shows the amount of tax on each piece of land and each town lot, as well as on all personal property belonging to each person in the district. This list also contains the names of all persons required to perform two days' labor upon the road as poll tax.

Within ten days after receiving the tax-list, the supervisor is required to post up in three conspicuous places in his district, the amount of tax assessed to each tax payer. All able-bodied residents of each highway district, between the ages of twenty-one and forty-five years, are required to labor upon the highway two days of eight hours each.

Duties.—On the first Monday of April and October of each year, the supervisors report to the township clerk the amount of labor performed on the highways in their respective districts, the amount of all moneys received, taxes unpaid, the condition of the highways, and such other information as may be considered necessary.

When notified in writing that any bridge or portion of the highway is in an unsafe condition, the supervisor becomes personally liable for any damages resulting therefrom, provided he has had a reasonable time to make the needed repairs. When notified that a county bridge is unsafe, it is his duty to obstruct it, and to inform a member of the board of county supervisors of the condition of the bridge at once.

Pay.—For each day spent in the discharge of his duties, each road supervisor receives from the highway fund the amount fixed by the township trustees for a day's labor. When there is no money with which to pay the supervisor, he is entitled to a certificate for the amount of

labor performed, which will be received in payment of his own highway tax for any succeeding year.

Township Collectors.—The board of supervisors of any county in the state, having a population of more than seven thousand inhabitants, may, at their regular meeting in June, by a two-thirds vote of the board, order the election of a township collector of taxes in each township of the county. The first election of township collectors takes place at the next regular election after the action of the board of supervisors, and they are chosen in the same manner as other township officers.

Duties.—Before entering upon the discharge of his duties, each township collector is required to give a bond to the county in twice the amount of the tax to be collected by him. Duplicate tax-lists for each township in which there is a collector, are made out by the county auditor and delivered to the county treasurer. The treasurer delivers these lists to the collectors as soon as they have qualified, taking their receipts therefor. Upon receiving the tax-lists, each collector posts a notice in some conspicuous place in each school district in his township, stating that he has received the lists. The notice must also state a place in the township where the collector will be at least one day each week for the purpose of receiving the payment of taxes.

Statement.—Each collector is required to make a monthly statement to the county treasurer of the amount of taxes received by him. This report must be accompanied by the money received. Township collectors are not chosen in very many counties, as this method of collecting taxes is much more expensive to the people and

the additional number of officers renders the liability to mistakes much greater.

Pay.—Each collector is entitled to receive for his services:

1. Two per cent. of all sums collected by him on the first two thousand dollars, and one per cent. on all sums in excess of that amount when collected without suit.

2. Five per cent. on all taxes collected by him by distress and sale of property, which percentage and costs shall be collected of the delinquent taxpayer, and the same fees, in addition to the five per cent., that constables receive for the sale of property on execution.

The compensation of justices and constables is by fees. Jurors in justice courts are allowed one dollar for each day's service, but no mileage. Witnesses receive fifty cents for each day's attendance upon this court, and five cents for each mile actually traveled in going to and returning from the trial. Trustees, clerks, and assessors are allowed two dollars for each day's work of eight hours.

OFFICERS.	PRESENT INCUMBENT.	HOW CHOSEN.	WHEN CHOSEN.	TERM.	DUTIES.	BOND.	SALARY.
Board of Directors.							
Trustees							
Clerk							
Assessor							
Justices of the P'ce							
Constables.....							
Road Supervisors..							
T'nship Collectors.							

It is suggested that the above table be filled out carefully as a review lesson in the study of township government, the necessary information being obtained by the pupils for the township in which the school is located.

CHAPTER VI.

TOWN AND CITY GOVERNMENT.

Cities Classed.—The term "town government" is used in its broadest sense, so as to include cities as well as incorporated towns. This is often called municipal government. In Iowa, cities of the first class contain at least fifteen thousand inhabitants, and those of the second class, from two thousand to fifteen thousand inhabitants. Municipal governments of less than two thousand inhabitants are called incorporated towns. Each city or town contains as much territory as the inhabitants think necessary, and additions are frequently made to the original plats. This territory is separated into blocks which are divided into lots for convenience of ownership. For governmental purposes, cities are divided into wards, and each ward chooses its own members of the city council.

Officers.—Each city of the first class has a mayor, two councilmen elected from the city at-large, a councilman elected from each ward, an assessor, marshal, treasurer, attorney, civil engineer, police judge, commissioner of the market, and certain others when specially required.

Council.—The members of the city council are separated into two classes, one of the members-at-large and one-half of the number of members from the wards being chosen each year for a term of two years. The election occurs on the first Monday in March of each year, and all the city officers,

except the assessor, begin the discharge of their duties on the third Monday in March. The term of the assessor begins on the first day of January following his election.

Election.—The mayor and other officers, except as above stated, are elected in the odd numbered years, for a term of two years. In many of the larger cities, the council elects several additional officers at the April meeting, each having some special work to do in the government of the city.

Mayor.—The mayor is a member of the city council, *ex officio*, and he is the chief officer of the city. He presides at the meetings of the council, holds court for the trial of offenders against the ordinances of the city, and sees that all orders of the council are properly enforced. He has the same general powers as a justice of the peace.

Duties of Council.—The city council has power to adopt ordinances for the government of the city. The general law of the state confers on city councils the right to legislate in a prescribed manner, and all such acts, properly adopted, have the same force and effect as laws passed by the general assembly. The ordinances passed by any city council apply only to that city. The city council acts as a board of equalization of the assessment of property, in the same manner as does the board of trustees in the civil township.

Marshal.—The duties of the marshal correspond to those of constable. He attends the courts of the mayor and police judge, and is, in fact, the chief ministerial officer of the city. Many important duties devolve upon this officer in preserving the peace and maintaining order

in the city. He may appoint deputies to aid him in the discharge of his duties, and for whose acts he is responsible.

Treasurer.—The treasurer receives all money belonging to the city, and pays it out as ordered by the city council. His bond is fixed by the city council.

Auditor.—The auditor has charge of the financial affairs of the city, and issues all warrants upon the city treasury when ordered to do so by the city council. His duties are numerous and important.

Attorney.—The city solicitor, or attorney, is a lawyer elected to represent the city in all matters of a legal nature. He is required to furnish an opinion on any matter of law relating to the government of the city, when requested to do so by any officer of the city. His relations to the officers of the city are the same as those of the attorney-general to state officers, or of the county attorney to officers of the county.

Police Court.—The police judge has jurisdiction of all offenses against any ordinance of the city in which he serves. In criminal matters, his powers are co-ordinate with those of justice of the peace, and he is entitled to the same fees as that officer. He may also take acknowledgments of signatures to deeds, mortgages, and other papers. His court, which is open at all times for the transaction of business, is a court of record. The clerk of this court is chosen by the qualified electors of the city or appointed by the police judge, as the council may direct. In case of vacancy in the office of police judge, the duties of that officer devolve upon the mayor. For the prosecution of any person for violating an ordinance of the city, the

police judge, or mayor, is entitled to such compensation as the city council may allow.

Superintendent of the Market.—The superintendent of the market acts as overseer of all places provided by the city for the sale of fresh meats, vegetables, and other articles of a perishable nature usually offered for sale in a public market.

Civil Engineer.—The civil engineer performs such duties belonging to his profession as may be required by the city council.

General Provisions.—To the city council belongs the power to appoint members of the police force and night watch. It may also provide for a fire department and make regulations for governing the same. The council also acts as the board of health.

Compensation.—The compensation of city officers is fixed by ordinances of the city council, or by fees as prescribed by law. Each member of the council receives as full compensation for his services an amount fixed by the council not to exceed two hundred and fifty dollars a year.

CHAPTER VII.

CITIES OF THE SECOND CLASS.

Council.—In cities of the second class there are chosen on the first Monday in March of each odd-numbered year, a mayor, one councilman from each ward, a city solicitor, an assessor, and a treasurer. In each even-numbered year, there is a councilman chosen from each ward. This divison of the council prevents a complete change of its membership at any election. The council appoints a city clerk, a marshal, a street commissioner, and such other officers as may be necessary.

Term—Duties.—The term of all elective officers, except assessor, in cities of the second class, begins on the third Monday in March. The term of the assessor begins on the first day of January following his election. The officers appointed by the council serve for one year unless sooner removed The duties of officers in cities of the second class are much the same as those of corresponding officers in cities of the first class. The council fixes the salary of the mayor and other officers of the city. Each councilman may receive one dollar for attendance at each meeting of the council, provided the total amount received for the year does not exceed fifty dollars.

INCORPORATED TOWNS.

Officers.—The government of an incorporated town is

vested in a mayor, a recorder, and six trustees, all of whom are chosen by the qualified voters residing within the limits of the corporation. The mayor and trustees constitute the town council, and any five of them are a quorum for the transaction of business. The council may, by ordinance, provide for the election of a treasurer and such other officers as may be necessary to administer the government. A marshal is appointed by the council. The powers and duties of these officers correspond to those of the same officers in cities.

The mayor and recorder are elected on the first Monday in March of each year and their term of office begins on the third Monday in March. Two trustees are chosen each year for a term of three years.

CITIES UNDER SPECIAL CHARTER.

Many of the older cities of the state were organized before the present law for the incorporation of cities and towns was enacted. The government of these cities differs somewhat from that of cities authorized by the general law of the state. Such cities are said to be governed by special charter. Many laws for the government of other cities have been made to apply to cities organized under special charter.

*Town Government.

OFFICERS.	PRESENT INCUMBENT.	HOW CHOSEN.	WHEN CHOSEN.	TERM.	DUTIES.	BOND.	SALARY.
Mayor							
Council							
Marshal							
Assessor							
Treasurer							
Auditor							
Solicitor							
Civil Engineer							
Police Judge							
Supt. of Market							
B'rd of Public W'ks							
Judge Superior C't							

*This outline for cities of the first class may be modified for cities of the second class and incorporated towns.

CHAPTER VIII.

COUNTY GOVERNMENT.

Counties.—Iowa, with an area of 56,025 square miles, is separated into ninety-nine counties. When the state was admitted into the Union, in 1846, there were only twenty-seven organized counties, but before many years had elapsed, the entire area of the state was included in the counties as they now exist. In most counties the boundaries conform to the range and township lines, as established by government survey. Owing to the irregular course of the rivers, the counties along the eastern and western boundaries of the state vary from the prevailing rectangular form.

County Names.—The study of county names is full of interest. Eleven of the counties, Washington, Adams, Jefferson, Madison, Monroe, Jackson, Van Buren, Harrison, Polk, Taylor, and Buchanan, were named for presidents, and Johnson county for Richard M. Johnson, vice-president of the United States with Van Buren. Audubon, Benton, Calhoun, Carroll, Clay, Clinton, Decatur, Fremont, Humboldt, Jasper, Kossuth, Marion, Marshall, Scott, Story, Warren, Wayne, and Webster counties commemorate names that are historic. Several county names were conferred in honor of noted Indians or Indian tribes. Among these may be named Allamakee, for Allan Makee, a noted Indian trader, Black Hawk, Cherokee, Chickasaw, Iowa, Mahaska, Pocahontas, Pottawattamie, Poweshiek, Sac, Sioux, Tama,

Winnebago and Winneshiek as the most noted. Cerro Gordo, Buena Vista, and Palo Alto were named to commemorate three famous battles of the Mexican War. The origin of all the other county names may be easily found by a little research on the part of pupils, and many valuable lessons in biography may be based on these names.

County Seat.—County government is, in many respects, very important. In each county the people have selected a place at which the principal business of the county is transacted. This place is known as the county seat, and it is generally near the middle of the county. The offices of the county are usually kept at this place in a building called the court-house.

Officers.—The officers of a county are a board of supervisors, an auditor, treasurer, clerk of the district court, sheriff, recorder, superintendent of schools, coroner, surveyor and attorney. The auditor, treasurer, clerk and sheriff are each allowed a deputy in most counties.

Election.—These officers are chosen by the qualified voters of the county at the general election, and the term of each, except that of supervisor, is two years. The clerk of the district court, recorder, auditor, and attorney are elected in even numbered years, and the others in the odd numbered years. At least one supervisor is chosen every year. The principal duties of each of the these officers will now be discussed. For their special powers, reference should be made to the Code of Iowa, and to the session laws, as the acts of the general assembly are called.

Board of Supervisors.—The board of supervisors consists of three, five, or seven members, as the people deter-

mine. Their term of office is three years, and one-third of the number, as nearly as may be, are chosen at each general election. The only qualification required of members of this board is that they must be qualified voters of the county in which they are chosen, and no two members can be elected from the same township. Regular meetings of the board are held on the first Monday of January, April, June, and September, and the first Monday after each general election. At the first meeting in each year, one of the members is chosen chairman of the board, and it is his duty to preside at all the meetings of the board during that year.

Supervisors may be chosen from the county at large, or the county may be separated into supervisor districts, each district choosing one supervisor.

Duties.—If any supervisor neglects or refuses to perform any of the duties devolving upon him as a member of the board, without just cause, he is liable to a fine of one hundred dollars for each offense. This board has control of the property of the county, the courthouse and other buildings belonging to the county, and the care of the poor. In many counties, a poor house and poor farm are supported at public expense. It is the duty of the board to examine all bills against the county, and to pay all just claims, unless some other method of payment is provided by law.

The supervisors manage and control the investment of the permanent school fund apportioned to the county, change the boundaries of civil townships, and act as commissioners of highways. They provide for the building of all bridges which cannot be constructed by the different road districts on account of lack of funds.

Levy of Taxes.—At their September meeting, they levy the taxes to be used for the support of state, county, town, and township government. This levy is made upon all the taxable property in the county, and the amount is determined in several different ways. The money for the support of the state government is obtained from a uniform tax levied upon all the taxable property of the state. The rate of taxation for this purpose is, at present, two and one-half mills on the dollar, and the supervisors of each county are required to include this in the levy. For the payment of salaries of county officers and the running expenses of the county government, a levy not to exceed six mills on a dollar and a poll tax of fifty cents is made. For the support of schools, the levy is not less than one mill nor more than three mills, and for building and repairing bridges, not more than three mills on a dollar. In addition to these taxes, the supervisors levy the amounts estimated by the various school, township, town, and city officers, having the control of these departments of local government, provided the estimates are made as required by law.

In order to show clearly how the different items of taxation are determined, the tax for all purposes, as levied by the board of supervisors of Mitchell county upon the property in the independent district of Osage for the year 1894, is here given.

GENERAL LEVY.

Funds.	Mills.	How Estimated.
State,	$2\frac{5}{10}$	By General Assembly.
County,	5	By Board of Supervisors.
County School,	1	" " "
Bridge,	3	" " "

FUNDS.	MILLS.	HOW ESTIMATED.
Bond,	1	By Board of Supervisors.
Insane,	1	" " "
Soldiers' Relief,	$\frac{2}{10}$	" " "
County Road,	$\frac{3}{10}$	" " "

OSAGE CITY LEVY.

Incorporation,	10	By City Council.
Sinking Fund,	$2\frac{5}{10}$	" " "

OSAGE IND. DISTRICT.

Teachers',	$11\frac{2}{10}$	By Board of Directors.
Contingent,	$6\frac{7}{10}$	" " "
School-House,	$4\frac{6}{10}$	" Electors.

The general levy for state and county purposes is the same throughout the county. The city levy is for the support of the city government and the payment of a bonded debt, and the district levy is for the support of schools. The total levy in this district for all purposes is forty-nine mills on a dollar.

Uniform Assessment.—In order that the property of the county may be assessed uniformly, the board of supervisors act as a board of equalization between townships. The assessment is based largely upon the judgment of the township assessor. Suppose that in any two townships of a county, the assessor should in one township fix the value of property at as low a rate as possible, and the other one as high as possible. This would not affect the amount to be raised for local purposes, as the local boards estimate the amount of money needed, and not the rate of tax to be levied. But the township having the higher assessment would be obliged to contribute more than its

share for the support of county and state government, as the estimates for county and state revenue are based on the assessed value of property at a certain number of mills on the dollar.

Equalization.—The board of supervisors may find that the property of one township is listed too high and that of the other too low, as compared with the other townships of the county. Acting as a board of equalization they will direct the county auditor in making out the tax list to lower the assessed value of the property in the township assessed too high, and raise it in the other, so as to make the burden of taxation uniform.

Pay.—Each member of the board of supervisors receives four dollars a day for the time actually spent in attending the meetings of the board, and two dollars and a half a day, when not in session but employed in committee work. Mileage is allowed for going to and returning from each session of the board, and for the distance traveled in performing committee work. The rate is six cents for each mile traveled. Supervisors are not required to give bonds to insure the faithful performance of their duties.

General Provisions.—The board of supervisors are often called the legislative body of the county, and there is a sense in which this is true, but each board acts only for its own county, and in a manner prescribed by law. This legislative power consists in the adoption of certain regulations for the management of county matters, and for which there is no special provision of law. Nearly all boards of commissioners and directors authorized by the laws of the state are given large discretionary powers, and it is in the exercise of such powers that boards of supervisors are said

to have the right to legislate. It is recommended that a careful study of county government be made by all pupils as a preparation for a clear understanding of state and national government. It is also suggested that pupils be required to examine and discuss the published proceedings of the board of supervisors as they appear in the county papers after each regular session of the board. In this way an interest in public affairs will be aroused, the study of civil government will be made more practical.

County Auditor.—The county auditor is clerk of the board of supervisors, and it is his duty to record the proceedings of that body and preserve them in permanent form in books provided for that purpose. He signs all orders issued by the board for the payment of money from the county treasury, and serves as general accountant for the county. Before each election, the auditor prepares and furnishes two poll-books for each voting precinct in the county. Immediately after election, one of these books is forwarded to him from each voting precinct with the number of votes each candidate received for every office to be filled at that election. From the poll-books thus made out, he makes an abstract of all the votes cast in the county for each candidate, and forwards it to the secretary of state at DesMoines.

Bond.—The bond of the county auditor is fixed by the board of supervisors, and it cannot be less than five thousand dollars. It is usual in most counties for the bond to be fixed at ten thousand dollars. The loaning and general management of the permanent school fund apportioned to the county, as well as the division of the county school fund and interest on the permanent school fund, is left to the county auditor.

Salary.—His salary is fixed by law at twelve hundred dollars a year, in counties having less than twenty-five

thousand inhabitants. In counties having a greater population, the board of supervisors may allow such additional compensation as they think necessary.

County Treasurer.—The county treasurer receives all money belonging to the county and pays it out upon the order of the board of supervisors. Warrants, or orders, for the payment of money by the county treasurer are drawn and signed by the county auditor and sealed with the county seal. The treasurer keeps a record of all moneys received and warrants paid, and holds the same, at all times, subject to the inspection of the board of supervisors. He keeps a separate account of the taxes levied in the county for state, county, school, highway, and other purposes.

Taxes.—Taxes levied in any year become due on the first of January and delinquent on the first day of March following. If taxes are paid before the first of April after they become due, no interest is charged, but if not paid then, interest is charged on the amount of the taxes at the rate of one per cent. a month from the first of March, the time they become delinquent. If, however, a person pays one-half of his tax before April first, the other half need not be paid till the last day of September, and no penalty will be charged.

Tax Receipts.—The treasurer makes out and delivers to each taxpayer a receipt, stating the time of payment, the description and assessed value of each parcel of land, the assessed value of all property belonging to him, the amount of each kind of tax, the interest and costs that have accrued, if any, giving a separate receipt for each year.

Tax Sale.—On the first Monday in December of each year, the county treasurer is required to offer at public sale at his office, all lands, town lots, and other real property on which taxes of any description for the preceding year, or years, are due and unpaid. This tax sale is made for the total amount of such unpaid taxes, together with interest and legal costs of advertisement and sale.

Bond.—The bond of the county treasurer cannot be less than five thousand dollars, but usually it is much more than that amount. It is safe to say that the average amount of bonds required of county treasurers throughout the state is fifty thousand dollars.

Salary.—In counties having less than ten thousand inhabitants, the compensation cannot exceed thirteen hundred dollars, with an allowance of three hundred dollars for clerk hire. In counties having more than ten thousand and less than thirty thousand inhabitants, the compensation cannot exceed fifteen hundred dollars, with six hundred dollars for clerk hire. In counties having more than thirty thousand inhabitants the supervisors may allow such additional compensation as they consider necessary.

Clerk of the District Court.—It is the duty of this officer to attend all sessions of the district court, and to keep its records, papers and official seals. He keeps a book, known as the record book, in which are recorded the proceedings of the court; a judgment docket, in which to keep an abstract of all judgments rendered by the court with all the explanations necessary; a fee book, in which to enter in detail the costs and fees in each law suit; an incumbrance book, in which the sheriff records a statement of each attachment of real estate; an appearance docket,

in which all suits are entered in the order in which they are begun; and a book in which is kept a record of all liens filed in the district court.

Report.—On or before the first Monday in November of each year, he is required to make a full report of all criminal trials held by the district court for the preceding year. This report shows the character of the offense, the nature and amount of the penalty inflicted, the nationality, occupation, and general habits of the person convicted, whether he can read and write, and also the entire expense to the county for criminal prosecutions during the year.

Duties.—It is the duty of this officer to issue marriage licenses when application is properly made. He keeps a register which contains the names and ages of the parties, the date of the marriage, and the name and official standing of the party by whom it was solemnized. He also appoints executors, administrators, guardians, and appraisers of the property of persons deceased, and approves the bonds which they are required by law to file with him as security for the faithful discharge of their duties. In fact, this officer now has the settlement of all matters of probate, subject to the direction and approval of the judge of the district court.

The clerk may appoint a deputy to aid him in transacting the business of his office, but neither of these officers can, during the time of his official incumbrance, hold the office of justice of the peace, or act as attorney or solicitor in any case in court.

Bond.—His bond cannot be less than five thousand dollars, and his compensation varies according to the population of the county in which he serves.

Salary.—In counties having less than ten thousand inhabitants, the salary cannot exceed eleven hundred dollars a year; in counties having more than ten thousand, but less than twenty thousand inhabitants, thirteen hundred dollars a year; where the population is more than twenty thousand, but less than thirty thousand, fifteen hundred; and in counties having more than thirty thousand inhabitants, the board of supervisors may allow such compensation as they deem proper, not to exceed thirty-five hundred dollars a year.

Fees.—A full and complete account of all fees received must be reported to the board of supervisors at each regular session. The fees, in excess of the salary, must be paid into the county treasury, but the board of supervisors may allow an amount, not to exceed three hundred dollars, as additional compensation for performing the work connected with matters of probate.

CHAPTER IX.

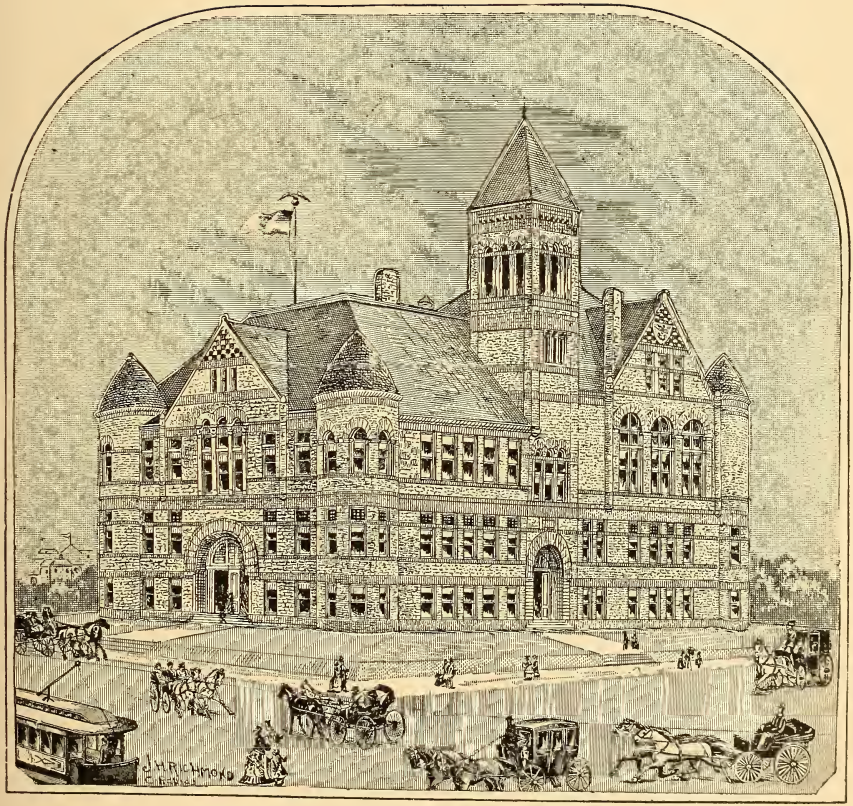
COUNTY GOVERNMENT.—CONTINUED.

Sheriff.—The sheriff is the chief police officer of the county, and he has many important duties to perform in connection with the district court. He has charge of the jail of the county, and the custody of all prisoners committed to it. The sheriff and his deputies are conservators of the peace, and, when necessary, they may call upon private citizens to aid them in the discharge of their duties. They are forbidden to purchase, directly or indirectly, any property offered for sale by them under any process of law.

It is the duty of the sheriff to give at least ten days' notice of each general election by a proclamation published in some newspaper printed in the county, or by posting notices of it in at least five public places in the county. The same rule applies to all special elections ordered by the governor.

Salary.—The salary of the sheriff is fixed by law at not less than two hundred, nor more than four hundred dollars a year, but in addition to this, he is allowed certain fees for serving executions, attachments, and other papers, five cents for each mile traveled in the discharge of his duties, and a percentage for collecting and paying over money. His bond cannot be less than five thousand dollars.

The sheriff may appoint a deputy, who is paid a salary fixed by the board of supervisors, not to exceed one thous-



HIGH SCHOOL BUILDING, CEDAR RAPIDS.

and dollars a year. In counties having a population of more than twenty-eight thousand and less than forty-five thousand, sheriffs are required to pay into the county treasury, all fees received by them and their deputies, in excess of twenty-three hundred dollars a year, and in counties having a population of more than forty-five thousand, all fees in excess of three thousand dollars a year. When the fees received by the sheriff in such counties equal these amounts, he receives no salary from the county, but his actual expenses and those of his deputies are paid out of the county treasury.

County Recorder.—The county recorder is provided with an office in the court-house, and it is his duty to copy accurately all deeds, mortgages, and other papers delivered to him for record, in the manner prescribed by law. He keeps separate books for deeds, mortgages of real estate, chattel mortgages, and other papers, and he is required to write on each paper delivered to him for record, the exact time it was received. The records of his office show the names of those persons who received the original deeds of land from the government, and also all transfers and changes in ownership from the original entry down to the present time.

Records.—Deeds, mortgages, and other valuable papers are often lost or destroyed by accident, but if they have been properly recorded, an exact copy of the record can be made from the books of the recorder at slight cost. Sometimes the recorder keeps a set of abstracts which show all the changes that have been made in the ownership of each separate piece of real estate in the county, and also the times at which such changes were made. These abstract books are very valuable helps in the purchase or sale of

real estate, and it requires great care to prepare them and keep them up to date. A complete set of abstract books in some of the large counties is worth several thousand dollars.

Compensation.—The compensation of the recorder consists of fees. He receives fifty cents for recording each paper of not more than four hundred words, and ten cents extra for every one hundred additional words, or fraction thereof. The fee for recording a deed to real estate, if made in the usual form, is seventy-five cents, but twenty-five cents of this is paid to the county auditor for entering the land for taxation in the name of the purchaser. The amount of the bond of this officer is fixed by the board of supervisors.

County Superintendent.—To this officer is intrusted the supervision and general management of the school affairs of the county in which he is chosen. On the last Saturday in each month, and at such other times as may be necessary, he meets all applicants for certificates to teach, and examines them as to their knowledge of orthography, reading, writing, arithmetic, geography, grammar, physiology, didactics, and history of the United States.

Certificates.—If the examination is satisfactory, and the county superintendent believes that the respective applicants possess good moral characters, and the essential qualifications for teaching and governing schools, he issues to each one so qualified a certificate to that effect, for a period not exceeding one year. Each applicant for a certificate is required to pay a fee of one dollar, which is deposited with the county treasurer by the county superintendent, and forms a part of the county institute fund.

Normal Institute.—The county superintendent holds a normal institute every year for the benefit of teachers and those intending to teach. A normal institute is a special training school for teachers, and the county superintendent employs several prominent teachers to carry on the work. No person can be employed to teach in an institute without the consent of the state superintendent of public instruction.

Institute Fund.—Every person who enrolls as a member of the institute is required to pay a registration fee of one dollar. The examination and registration fees, and fifty dollars paid to each county annually out of the state treasury, constitute the institute fund, which is used exclusively to pay the expenses of the institute. The county supervisors sometimes increase this fund by an appropriation from the general county fund, as they are permitted to do by law.

Appeals.—Any person who is not satisfied with the action of any school board may appeal from the board to the county superintendent. The appeal must be made within thirty days after the decision of the local board, and in a manner prescribed by law. The county superintendent cannot, however, decide cases involving the election of school officers or the payment of money. Such cases cannot be taken before him on appeal, but must be tried in the courts.

Report.—On the first Tuesday in October of each year, the county superintendent is required to report to the state superintendent of public instruction a complete abstract and summary of the reports made to him by the secretary and treasurer of each district in the county, together with much other valuable information concerning

the schools under his charge. This report shows the total value of school property in the county, the number of schools, teachers employed, pupils enrolled, persons of school age, the amount expended for the support of schools during the year, and many other items of interest.

At the same time, he is required to file with the county auditor a statement of the number of persons of school age in each school district in the county. He reports to the officers of the different state institutions for the unfortunate, the name, age and residence of each person of school age who is blind, deaf and dumb, or feeble minded.

Pay.—The county superintendent receives four dollars a day for the time actually spent in the discharge of his official duties, and the county supervisors may allow such additional compensation as they deem proper. His bond is fixed by the board of supervisors, and it is usually one thousand dollars.



CHAPTER X.

COUNTY GOVERNMENT.—CONTINUED.

County Surveyor.—The duties of county surveyor are quite important in locating the boundaries of the different divisions of land as established by government survey. About the first thing done in a new county, in its earliest history, was the official survey of its land by the authority of the United States government. At the time of that survey, a careful record was made of all boundary lines established and measurements made. These records are called field notes of the survey, and they are now used by the county surveyor as the basis of his surveys.

Surveys.—He makes all surveys of land in his county, which may be required of him, and his surveys are considered to be correct. He is required to establish the corners of sections and other divisions of land by the aid of trees, or by fixing stones firmly in the earth, or by mounds.

Plat.—When requested to do so, he must furnish the person for whom any survey is made, a copy of the field-notes and plat of the survey. The record and plat must show distinctly of what piece of land it is a survey, at whose request it was made, the names of the chainmen, and the date of the survey. The chainmen are the persons who make the measurements by the aid of the surveyor's chain. They must be disinterested persons, approved by

the surveyor, and sworn by him to make just and impartial measurements to the best of their ability.

Pay.—The county surveyor is not paid a fixed salary, but any person employing him pays him fees as prescribed by law. He may charge for his services four dollars for each day spent in making the survey and the required records, and for the time spent in going to and returning from the place where the survey is made. He may also charge fifty cents for a certified copy of the plat of the survey and the field-notes belonging thereto.

Coroner.—It is the duty of this officer to perform all the duties of the sheriff, when there is no sheriff, or when that officer is an interested party in any proceedings in any court of record.

He also acts as sheriff when an affidavit is filed with the clerk of the court that the sheriff and his deputies are absent from the county, and are not expected to return in time to perform the service required.

Inquest.—It is also his duty to hold an inquest upon the dead bodies of those persons who are supposed to have died by unlawful means. Upon receiving notice that such a body has been found in his county, he issues a warrant to any constable of the county, directing him to summon immediately three electors to serve as a jury in determining when, how, and by what means the deceased came to his death. The coroner may summon witnesses, and both jurors and witnesses are sworn to the faithful performance of the duties devolving upon them.

The testimony given at the inquest is reduced to writing and signed by the witnesses. The jurors, having viewed the body, heard the testimony, and made all needful inquiries,

return to the coroner in writing the result of their investigations.

Proceedings.—If it be found at the inquest that a crime has been committed on the deceased, and the evidence be sufficient to authorize the jury in naming the guilty person, the coroner proceeds to secure his arrest, if possible, before the proceedings are made public. The body of the deceased is delivered to his friends by the coroner, but where there are no friends and no property, the expenses of the inquest and burial are paid out of the county treasury.

Fees.—The fees of the coroner are as follows:

For holding an inquest and making the return, five dollars;

For viewing a body without holding an inquest, three dollars;

For issuing each subpœna, warrant, or order for a jury, twenty-five cents; and

For each mile traveled in going to and returning from holding an inquest, ten cents.

For acting as sheriff he receives the usual fees of that officer.

He is obliged to give bonds to the amount required by the board of supervisors.

County Attorney.—By an amendment to the constitution, adopted at the general election in 1884, the office of district attorney was abolished, and that of county attorney provided for. The county attorney acts as the legal adviser of the officers of the county in which he is chosen, and it is also his duty to appear for the state in the prosecution of criminals, and to represent the county in

the supreme court when the county is a party to any suit in that court.

Bond.—Salary.—The bond required of this officer, to be filed with the county auditor, is not less than five thousand dollars. The salary, which is fixed by the board of supervisors, ranges from three hundred to fifteen hundred dollars, according to the population of the county. Fees and mileage are also provided for, in certain cases. The term of office is two years, commencing on the first Monday in January of each odd-numbered year.

Notary Public.—A notary public is not properly a county officer, although his powers are limited to the county in which he resides.

Appointment.—Any person wishing to become a notary public may make application to the governor for an appointment as such. If the application is satisfactory, the person receives a commission authorizing him to serve as notary public. The term of this officer is three years, but for convenience, all commissions expire on the fourth day of July of every third year.

Seal.—Each notary public, or notary, as he is commonly called, has an official seal, upon which is engraved the words, "Notarial Seal," and "Iowa," with the initials of his given name and his surname in full. The cost of a commission is a dollar and a quarter, and that of a notarial seal, three dollars. Each notary is required to give a bond in the sum of five hundred dollars, which he files with the clerk of the district court, as a surety that he will faithfully perform the duties of his office. The governor may revoke the commission of a notary at any time.

Powers.—A notary public may administer oaths, take the acknowledgment of signatures to deeds, mortgages, wills, and other legal documents, and perform certain other duties of like character. He must stamp with his official seal all papers of which he takes acknowledgments. He also certifies concerning the signatures in the following manner:

STATE OF IOWA. }
MITCHELL CO. } ss.

Be it remembered that on the day of, A. D....., before the undersigned, a notary public in and for said county, personally appeared A..... B..... and C..... D....., to me personally known to be the identical persons whose names are affixed to the foregoing instrument as grantors, and acknowledged the same to be their voluntary act and deed. Witness my hand and notarial seal the day and year above written.

E..... F.....
Notary Public.

County Government.

OFFICERS.	PRESENT INCUMBENT.	HOW CHOSEN.	WHEN CHOSEN.	TERM.	DUTIES.	BOND.	SALARY.
Supervisors.....							
Auditor.....							
Treasurer..... ...							
Clerk of Court....							
Sheriff.....							
Recorder.....							
Supt. of Schools ..							
Surveyor.....							
Coroner.....							
County Attorney..							
Notaries Public...							



State University, Iowa City.

CHAPTER XI.

CONSTITUTION OF IOWA.

Preamble.—We, the People of the State of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the STATE OF IOWA, the boundaries whereof shall be as follows:

Boundary.—Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the state of Missouri—as established by the constitution of that State, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river, thence westwardly along the said northern boundary line of the state of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite to the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

ARTICLE 1.—BILL OF RIGHTS.

SECTION 1.—**Rights of Persons.**—All men are, by nature, free and equal, and have certain inalienable rights, among which are

those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2.—**Political Power.**—All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SEC. 3.—**Religion.**—The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

SEC. 4.—**Religious Test.**—No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

SEC. 5.—**Dueling.**—Any citizen of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principle or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this state.

SEC. 6.—**Laws Uniform.**—All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

SEC. 7.—**Liberty of Speech and Press.** — Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all

prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 8.—**Personal Security.**—The right of people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 9.—**Trial by Jury.**—The right of trial by jury shall remain inviolate, but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property without due process of law.

SEC. 10—**Rights of Persons Accused.**—In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

SEC. 11.—**Indictment.**—All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

SEC. 12.—**Twice Tried.—Bail.**—No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.

SEC. 13.—**Habeas Corpus.**—The writ of habeas corpus shall not be suspended or refused when application is made as required by

law, unless in case of rebellion or invasion, the public safety may require it.

SEC. 14.—**Military.**—The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 15.—**Quartering Troops.**—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 16.—**Treason.**—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 17.—**Bail Punishment.**—Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

SEC. 18.—**Property.**—Private property shall not be taken for public use without just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

SEC. 19.—**Imprisonment for Debt.**—No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

SEC. 20.—**Petition.** — The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

SEC. 21.—**Attainder.**—No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 22.—**Aliens Hold Property.**—Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native-born citizens.

SEC. 23.—**Slavery.**—There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.

SEC. 24.—**Reservation.**—No lease or grant of agricultural lands, reserving any rent or service of any kind, shall be valid for a longer period than twenty years.

SEC. 25.—**Adjournment.**—The enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.—RIGHT OF SUFFRAGE.

SECTION 1.—**Electors.**—Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

SEC. 2.—**Privileges.**—Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

SEC. 3.—**Same.**—No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 4.—**"Resident."**—No person in the naval, military or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place or station within this state.

SEC. 5.—**Exception.**—No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

SEC. 6.—**Ballot.**—All elections by the people shall be by ballot.

ARTICLE III.—OF THE DISTRIBUTION OF POWERS.

SECTION 1.—**Departments of Government.**—The powers of the government of Iowa shall be divided into three separate departments: The legislative, the executive and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SECTION 1.—**Authority.**—The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives; and the style of every law shall be: "*Be it enacted by the General Assembly of the State of Iowa.*"

SEC. 2.—**Sessions.**—The sessions of the general assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the governor of the state shall, in the meantime, convene the general assembly by proclamation.

SEC. 3.—**Members of House of Representatives.**—The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

SEC. 4.—**Eligibility.**—No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a male citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.

SEC. 5.—**Senators.**—Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

SEC. 6.—**Same—Classed.**—The number of senators shall not be less than one-third nor more than one-half the representative body; and shall be so classified by lot, that one class being as nearly one-half as possible, shall be elected every two years. When the number of senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

SEC. 7.—**Elections Determined.**—Each house shall choose its own officers, and judge of the qualification, election and return of

its own members. A contested election shall be determined in such manner as shall be directed by law.

SEC. 8.—**Quorum.**—A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9.—**Authority of the House.**—Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other power necessary for a branch of the general assembly of a free and independent state.

SEC. 10.—**Protest.**—Every member of the general assembly shall have the liberty of dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall at the desire of any two members present, be entered on the journals.

SEC. 11.—**Privilege.**—Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.

SEC. 12.—**Vacancies.**—When vacancies occur in either house, the governor, or the persons exercising the functions of governor shall issue writs of election to fill such vacancies.

SEC. 13.—**Doors Open.**—The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 14.—**Adjournment.**—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 15.—**Bills.**—Bills may originate in either house, and may be amended, altered or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 16.—**To be Approved, etc.**—Every bill which shall have passed the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in like manner as if he had signed it; unless the general assembly, by adjournment prevent such return. Any bill submitted to the governor for his approval during the last three days of a session of the general assembly, shall be deposited by him in the office of the secretary of state within thirty days after the adjournment, with his approval, if approved by him, and with his objections if he disapproves thereof.

SEC. 17.—**Same.**—No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered upon the journal.

SEC. 18.—**Receipts and Expenditures.**—An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the general assembly.

SEC. 19.—**Impeachment.**—The house of representatives shall have the sole power of impeachment and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 20.—**Who Liable to Impeachment.**—The governor, judges of the supreme and district courts, and other state officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this state; but the party convicted or acquitted

shall nevertheless be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the general assembly may provide.

SEC. 21.—**Members Not Appointed to Offices.**—No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

SEC. 22.—**Disqualification.**—No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

SEC. 23.—**Same.**—No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to hold any office of trust or profit in this state, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

SEC. 24.—**Money Drawn.**—No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 25.—**Compensation of Members.**—Each member of the first general assembly under this constitution shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no general assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive the same mileage and per diem compensation as fixed by law for the regular session, and none other.

SEC. 26.—**Laws.—Publication.**—No law of the general assembly passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws

passed at a special session shall take effect ninety days after the adjournment of the general assembly by which they were passed. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

SEC. 27.—**Divorce.**—No divorce shall be granted by the general assembly.

SEC. 28.—**Lotteries.**—No lottery shall be authorized by this state; nor shall the sale of lottery tickets be allowed.

SEC. 29.—**Acts.**—Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 30.—**Local or Special Laws.**—The general assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes, for state, county, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until, upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

SEC. 31.—**Extra Compensation.**—No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be al-

lowed by two-thirds of the members elected to each branch of the general assembly.

SEC. 32.—**Oath of Members.**—Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability;" and members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

SEC. 33.—**Census.**—The general assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state.

SEC. 34.—**Apportionment.**—The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each.

SEC. 35.—**Districts.**—The senate shall not consist of more than fifty members, nor the house of representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the state according to the number of inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional representative. No floating district shall hereafter be formed.

SEC. 36.—**Rates of Representation.**—At its first session under this constitution, and at every subsequent regular session, the general assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.

SEC. 37.—**Districts.**—When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

SEC. 38.—**Elections by General Assembly.**—In all elections by the general assembly, the members thereof shall vote *Viva Voce;* and the votes shall be entered on the journal.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

SECTION 1.—**Governor.**—The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa.

SEC. 2.—**Election and Term.**—The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

SEC. 3.—**Lieutenant-Governor.**—There shall be a lieutenant-governor, who shall hold his office two years, and be elected at the same time as the governor. In voting for governor and lieutenant-governor, the electors shall designate for whom they vote as governor, and for whom as lieutenant-governor. The returns of every election for governor and lieutenant-governor shall be sealed up and transmitted to the seat of government of the state, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly.

SEC. 4.—**Returns of Elections.**—The persons respectively having the highest number of votes for governor and lieutenant governor shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the general assembly shall, by joint vote, forthwith

proceed to elect one of said persons governor, or lieutenant-governor, as the case may be.

SEC. 5.—**Contested Elections.**—Contested elections for governor or lieutenant-governor shall be determined by the general assembly in such manner as may be prescribed by law.

SEC. 6.—**Eligibility.**—No person shall be eligible to the office of governor or lieutenant-governor who shall not have been a citizen of the United States and a resident of the state two years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 7.—**Command.**—The governor shall be commander-in-chief of the militia, the army and navy of this state.

SEC. 8.—**Duties.**—He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 9.—**Same.**—He shall take care that the laws are faithfully executed.

SEC. 10.—**Vacancies.**—When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

SEC. 11.—**Convening Assembly.**—He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 12.—**Message.**—He shall communicate, by message, to the general assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.

SEC. 13.—**Adjournment.**—In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next general assembly.

SEC. 14.—**Disqualification.**—No person shall, while holding any office under the authority of the United States, or this state, execute the office of governor or lieutenant-governor, except as hereinafter expressly provided.

SEC. 15.—**Term.**—The official term of the governor and lieutenant-governor shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The lieutenant-governor, while acting as governor, shall receive the same pay as provided for governor; and while presiding in the senate, shall receive as compensation therefor the same mileage and double the per diem pay provided for a senator, and none other.

SEC. 16.—**Pardons, Etc.**—The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general asssembly at its next meeting, when the general assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the general assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17.—**Lieutenant Act as Governor.**—In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 18.—**Further Vacancies Provided For.**—The lieutenant-governor shall be president of the senate, but shall only vote when the senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

SEC. 19.—**Same.**—If the lieutenant-governor, while acting as governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president *pro tempore* of the senate shall act as governor until the vacancy is filled, or the disability is removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 20.—**Seal of State.**—There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Iowa.

SEC. 21.—**Commissions, Etc.**—All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SEC. 22.—**Secretary, Auditor and Treasurer.**—A secretary of state, auditor of state, and treasurer of state, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

ARTICLE V.—JUDICIAL DEPARTMENT.

SECTION 1.—**Courts.**—The judicial power shall be vested in a supreme court, district court, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.

SEC. 2.—**Supreme Court.**—The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court.

SEC. 3.—**Judges Elected.**—The judges of the supreme court shall be elected by the qualified electors of the state, and shall hold their court at such time and place as the general assembly may prescribe. The judges of the supreme court, so elected, shall be classified so that one judge shall go out of office every two years; and the judge holding the shortest term of office, under such classification, shall be chief justice of the court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each judge of the su-

preme court shall be six years, and until his successor shall have been elected and qualified. The judges of the supreme court shall be ineligible to any other office in the state during the term for which they have been elected.

SEC. 4.—**Jurisdiction.**—The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the state.

SEC. 5.—**District Judges Elected.**—The district court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the district court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of judge of the supreme court, during the term for which he was elected.

SEC. 6.—**Jurisdiction.**—The district court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.

SEC. 7.—**Conservators of the Peace.**—The judges of the supreme and district courts shall be conservators of the peace throughout the state.

SEC. 8.—**Style of Process.**—The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 9.—**Salaries.**—The salary of each judge of the supreme court shall be two thousand per annum, and that of each district judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the general assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.

SEC. 10.—**Judicial Districts.**—The state shall be divided into eleven judicial districts, and after the year eighteen hundred and sixty, the general assembly may reorganize the judicial districts,

and increase or diminish the number of districts, or the number of judges of the said court, and may increase the number of judges of the supreme court; but such increase or diminution shall not be more than one district, or one judge of either court, at any one session, and no reorganization of the districts, or diminution of the number of judges, shall have the effect of removing a judge from office. Such reorganization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of judges, shall take place every four years thereafter, if necessary, and at no other time.

SEC. 11.—**When Chosen.**—The judges of the supreme and district courts shall be chosen at the general election; and the term of office of each judge shall commence on the first day of January next after his election.

SEC. 12.—**Attorney-General.**—The general assembly shall provide by law for the election of an attorney-general by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

SEC. 13.—**Elected; Disqualification.**—The qualified electors of each judicial district shall, at the time of the election of district judge, elect a district attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years; and until his successor shall have been elected and qualified.

SEC. 14.—**Duty of General Assembly.**—It shall be the duty of the general assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the courts of this state.

ARTICLE VI.—MILITIA.

SECTION 1.—**Who Constitute.**—The militia of this state shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempt by the laws of the United States, or of this state, and shall be armed, equipped and trained, as the general assembly may provide by law.

SEC. 2.—**Qualification.**—No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; *Provided*, that such person or persons shall pay

an equivalent for such exemption in the same manner as other citizens.

SEC. 3.—**Officers.** — All commissioned officers of the militia (staff officers excepted) shall be elected by persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE VII.—STATE DEBTS.

SECTION 1.—**Limitation of State Indebtedness.**—The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation; and the state shall never assume, or become responsible for, the debts or liabilities of any individual, association or corporation, unless incurred in time of war for the benefit of the state.

SEC. 2.—**Same.**—The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars, and the money arising from the creation of such debts shall be applied to the pur pose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 3.—**Losses to School Fund Audited.**—All losses to the permanent, school, or university fund of this state, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent fund debt against the state, in favor of the respective fund sustaining the loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SEC. 4.—**For what Other Purpose State May Contract Debts.** —In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 5.—(a) **Other Debts to be Authorized by Special Law.** —(b) **Submitted to the People.**—Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

SEC. 6.—**Legislature May Repeal.**—The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt or liability which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

SEC. 7.— **Tax Imposed Distinctly Stated.**—Every law which imposes, continues, or revives a tax, shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE VIII.—CORPORATIONS.

SECTION 1. — **Corporations, How Created.** — No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

SEC. 2.—**Property Taxable.**—The property of all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

SEC. 3.—**State Not to be a Stockholder.** — The state shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war, for the benefit of the state.

SEC. 4.—**Corporation Not to be a Stockholder.**—No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SEC. 5.—**Act Creating Corporation Submitted to the People.** —No act of the general assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SEC. 6.—**State Banks.**—Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a state bank, with branches.

SEC. 7.—**Founded on Specie Basis.**—If a state bank be established, it shall be founded on actual specie basis, and the branches shall be mutally responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

SEC. 8.—**General Banking Law to be Proivded For.**—If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of state, of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in United States stocks, or in interest-paying stocks of states in good credit and standing, to be rated at ten per cent below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer and to whom.

SEC. 9.—**Stockholders Responsible.**—Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities, accruing while he or she remains such stockholder,

SEC. 10.—**Bill Holders to Have Preference.**—In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

SEC. 11.—**Suspension of Specie Payments.**—The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

SEC. 12.—**General Assembly May Amend or Repeal by Two-Thirds Vote.**—Subject to the provisions of this article, the general assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the general assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.—EDUCATION AND SCHOOL LANDS.

FIRST—EDUCATION.

SECTION 1.—**Board of Education.**—The educational interest of the state, including common schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the lieutenant-governor, who shall be the presiding officer of the board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the state.

SEC. 2.—**Who Eligible.**—No person shall be eligible as a member of said board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the state.

SEC. 3.—**How Elected; How Divided.**—One member of said board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this constitution, the board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years, and one-half of the board shall be chosen every two years thereafter.

SEC. 4.—**First Session Held.**—The first session of the board of education shall be held at the seat of government, on the first Monday of December after their election, after which the general assembly may fix the time and place of meeting.

SEC. 5.—**Limited to Twenty Days.**—The session of the board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the board, the governor may order a special session.

SEC. 6.—**Secretary.**—The board of education shall appoint a secretary who shall be the executive officer of the board, and perform such duties as may be imposed upon him by the board, and the laws of the state. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the general assembly.

SEC. 7.—**Rules and Regulations of Board.**—All rules and regulations made by the board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the board, and when so made, published, and distributed, they shall have the force and effect of law.

SEC. 8.—**Powers: Rules, How Repealed.**—The board of education shall have full power and authority to legislate and make all needful rules and regulations in relation to common schools and other educational institutions that are instituted, to receive aid from the school or university fund of this state; but all acts, rules and regulations of said board may be altered, amended, or repealed by the general assembly, and when so altered, amended, or repealed, they shall not be re-enacted by the board of education.

SEC. 9.—**Governor, Ex-Officio, a Member.**—The governor of the state shall be, *ex-officio*, a member of said board.

SEC. 10.—**Contingent.**—The board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the general assembly.

SEC. 11.—**State University.**—The state university shall be established at one place without branches at any other place, and the university fund shall be applied to that institution and no other.

SEC. 12.—**Board of Education to Provide for Education of Youths of the State.**—The board of education shall provide for the education of all the youths of the state, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid, may be deprived of their portion of the school fund.

SEC. 13.—**Compensation.**—The members of the board of education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the general assembly.

SEC. 14.—**Quorum; Style of Acts.**—A majority of the board shall constitute a quorum for the transaction of business, but no rule, regulation, or law for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the board shall be: "Be it enacted by the Board of Education of the State of Iowa."

SEC. 15.—**When Board May be Abolished.**—At any time after the year one thousand eight hundred and sixty-three, the general assembly shall have power to abolish or reorganize said board of education, and provide for the educational interests of the state in any other manner that to them shall seem best and proper.

SECOND—SCHOOL FUNDS AND SCHOOL LANDS.

SECTION 1.—**Under Control of General Assembly.**—The educational and school funds and lands shall be under the control and management of the general assembly of this state.

SEC. 2.—**Permanent Fund.**—The university lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

SEC. 3.—**Lands Appropriated to Educational Porposes.**—The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may

be, granted by the United States to this state, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be presented by congress, on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

Sec. 4. — **Fines and Forfeitures, How Appropriated.** — The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the board of education shall from time to time provide.

Sec. 5.—**Lands Reserved or Granted, or Funds Accruing from Sale Thereof, to be a Permanent Fund. — Interest Applied.**—The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved, or granted by the United States, or any person or persons, to this state, for the use of the university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

Sec. 6.—**Who Agents of School Funds.**—The financial agents of the school funds shall be the same that by law receive and con-

trol the state and county revenue, for other civil purposes, under such regulations as may be provided by law.

SEC. 7.—**Money to be Distributed.**—The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths between the ages of five and twenty-one years, in such manner as may be provided by the general assembly.

ARTICLE X.—AMENDMENTS TO THE CONSTITUTION.

SECTION. 1.—**Constitution.**—Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state.

SEC. 2.—**More than One.**—If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3.—**Convention.**—At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may by law provide, the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly, at its next

session, shall provide by law for the election of delegates to such convention.

ARTICLE XI.—MISCELLANEOUS.

SECTION 1.—**Jurisdiction of Justice of the Peace.**—The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate may arise) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2.—**Counties.**—No new county shall be hereafter created containing less than four hundred and thirty-two square miles, nor shall the territory of any organized county be reduced below that area, except the county of Worth, and the counties west of it, along the northern boundary of this state, may be organized without additional territory.

SEC. 3.—**To What Amount Counties May Become Indebted.**—No county, or other political or municipal corporation, shall be allowed to become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding five per centum of the value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness.

SEC. 4.—**Boundaries.**—The boundaries of this state may be enlarged, with the consent of congress and the general assembly.

SEC. 5.—**Oath of Office.**—Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 6.—**How Vacancies Filled.**—In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

SEC. 7.—**How Lands Granted May be Located.**—The general assembly shall not locate any of the public lands which have been or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands

actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

SEC. 8.—**Seat of Government.**—The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the state university at Iowa City, in the county of Johnson.

ARTICLE XII.—SCHEDULE.

SECTION 1.—**Supreme Court of the State.**—The constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2.—**Laws in Force.**—All laws now in force and not inconsistent with this constitution, shall remain in force until they shall expire or be repealed.

SEC. 3.—**Legal Precess Not Affected.**—All indictments, prosecutions, suits, pleas, plaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been had not this constitution been made.

SEC. 4.—**Fines, Etc., Inure to the State.**—All fines, penalties, or forfeitures due, or to become due, or accruing to the state, or to any county therein, or to the school fund, shall inure to the state, county, or school fund in the manner prescribed by law.

SEC. 5.—**Bonds in Force.**—All bonds executed to the state, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6.—**First Election.—Governor and Lieutenant-Governor.**—The election under this constitution shall be held on the socond Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the state shall elect the governor and lieutenant-governor. There shall also be elected at such election the successors of such state senators as

were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the house of representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the general assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.

SEC. 7.—**Same: Secretary, Auditor, Etc.**—The first election for secretary, auditor, and treasurer of state, attorney-general, district judges, members of the board of education, district attorneys, members of congress, and such state officers as shall be elected at the April election in the year one thousand eight hundred and fifty-seven (except the superintendent of public instruction), and such county officers as were elected at the August election in the year one thousand eight hundred and fifty-six, except prosecuting attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: *Provided*, that the time for which any district judge or other state or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

SEC. 8.—**Same: Judges of Supreme Court.**—The first election for judges of the supreme court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SEC. 9.—**First Session, General Assembly.**—The first regular session of the general assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monduy of January of said year.

SEC. 10.—**Senators.**—Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successor shall be elected as may be prescribed by law.

SEC. 11.—**Offices Not Vacated by New Constitution.**—Every person elected by popular vote, by a vote of the general assembly, or who may hold office by executive appointment, which office is

continued by this constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this constitution (except as in this constitution otherwise provided), shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall continue in office after the taking effect of this constitution, for a longer period than the term of such office in this constitution prescribed.

SEC. 12.—**State to be Districted.**—The general assembly, at the first session under this constitution, shall district the state into eleven judicial districts, for district court purposes; and shall also provide for the apportionment of the members of the general assembly in accordance with the provisions of this constitution.

SEC. 13.—**Constitution to be Voted for August, 1850.**—This constitution shall be submitted to the electors of the state at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this state. The ballots at such election shall be written or printed, as follows: Those in favor of the constitution, "New Constitution—Yes." Those against the constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the state, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the secretary of state, which abstracts shall be canvassed in the manner provided for the canvass of state officers; and if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation.

SEC. 14.—**Proposition to Strike Out the Word "White."**—At the same election at which this constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage," shall be separately submitted to the electors of this state for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person having a

right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' Yes." And those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this constitution, then said word "white" shall be stricken from said article and be no part thereof.

SEC. 15.—**Mills County.**—Until otherwise directed by law, the county of Mills shall be in and a part of the sixth judicial district of this state.

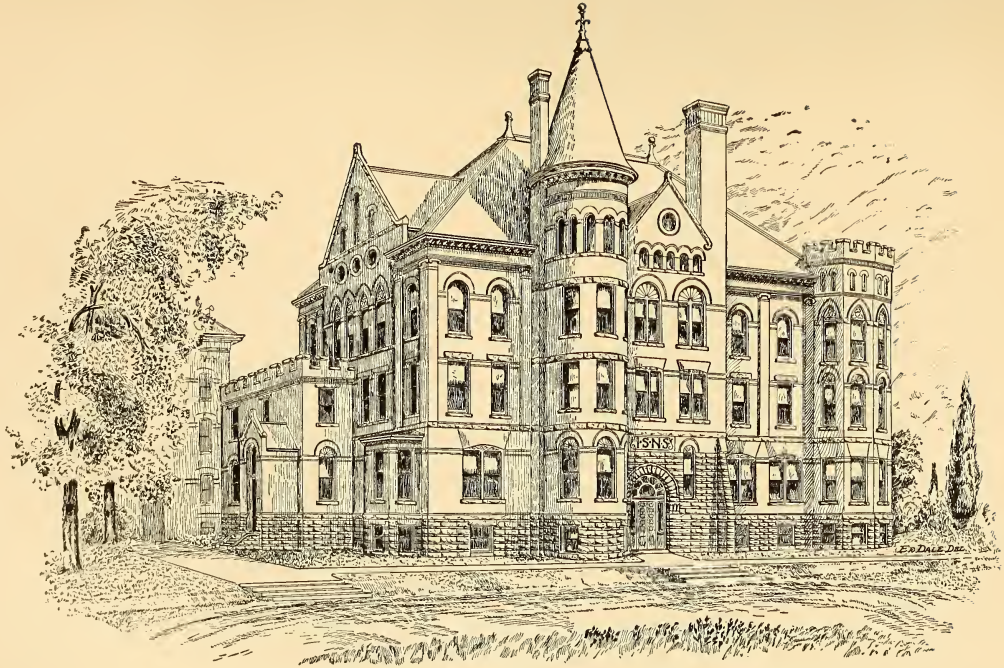
Done in convention at Iowa City, this fifth of day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America the eighty-first.

SIGNERS:

TIMOTHY DAY,
S. G. WINCHESTER,
DAVID BUNKER,
D. P. PALMER,
GEO. W. ELLS,
J. C. HALL,
JOHN H. PETERS,
WM. H. WARREN,
H. W. GRAY,
ROBT. GOWER,
H. D. GIBSON,
THOMAS SEELEY,
A. H. MARVIN,
J. H. EMERSON,
R. L. B. CLARKE,
JAMES A. YOUNG,
D. H. SOLOMON,
W. W. ROBINSON,
LEWIS TODHUNTER,
JOHN EDWARDS,
J. C. TRAER,
JAMES F. WILSON,
AMOS HARRIS,
JNO. T. CLARKE,
S. AYRES,
HARVEY J. SKIFF,
J. A. PARVIN,
W. PENN CLARK,
JERE HOLLINGSWORTH,
WM. PATTERSON,
D. W. PRICE,
ALPHEAS SCOTT,
GEO. GILLASPY,
EDWARD JOHNSTON,

Attest:
TH. J. SAUNDERS, *Sec'y.*
E. N. BATES, *Assistant Sec'y.*

FRANCIS SPRINGER, *Pres.*



IOWA STATE NORMAL SCHOOL, CEDAR FALLS.

CHAPTER XII.

STATE GOVERNMENT.

Nature of Constitution.—Before discussing the departments of government, it will be well to learn something of the nature of a constitution, as well as of the history of the constitution of our own state. The constitution of a state is often called its fundamental law, because all laws passed by the general assembly must be based upon it, and no valid law can be passed in violation of its provisions. It is in the nature of a contract between the state and the people, whereby the powers of the former are defined, and the rights of the latter maintained.

Old Constitution.—The constitution, adopted by the people of Iowa just before the state was admitted into the Union, is known as the old constitution. Some of its provisions proved to be unsatisfactory, and, in the early part of 1857, a convention met at Iowa City, and drafted the present constitution of the state. The work of this convention was completed in March of that year. Several of its members have since held important positions in state and nation.

New Constitution.—By its own terms, this draft of a constitution was submitted to the electors of the state at an election held in August, 1857. A majority of the votes cast at that time were in favor of its adoption, and the

governor immediately issued a proclamation declaring this new constitution to be the supreme law of Iowa.

Preamble.—The preamble, or introduction to the constitution, is as follows: "*We, the People of the State of Iowa*, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of *The State of Iowa*, the boundaries whereof shall be as follows:" (For boundaries, see Constitution.) The preamble is not a part of the constitution, but is designed to show the reason for its establishment.

ARTICLE I.—Bill of Rights.

Rights of Persons.—Section *one* of the first article of the constitution defines the civil rights of the inhabitants of the state. It declares that all men are, by nature, free and equal, and that they are endowed with certain inalienable rights. The rights enumerated are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness. These rights of the people are recognized by all free governments, and must be, in the very nature of things. They are called inalienable rights, because they cannot be taken away so long as the government exists.

Political Power.—The *second* section declares all political power to be vested in the people of the state. Government is instituted for the good of the people, and they have the right to alter or reform the same, whenever

the public good may require it. The essence of all free government is contained in the immortal words of Abraham Lincoln, "A government of the people, by the people, and for the people."

Religion.—Section *three* prohibits the legislature from passing any law to establish uniformity of religion, or to restrict the religious liberty of the people. It forbids the laying of tithes, taxes, or other rates for building places of worship, or maintaining the ministry. The religious freedom, sought by so many of the early settlers of our country, is guaranteed to all persons within the borders of Iowa.

Religious Test.—Section *four* forbids the requirement of any religious test as a qualification for any office of public trust, and declares that no person shall be deprived of any rights, privileges, or capacities on account of his opinions on religious matters. This is in accordance with the spirit of the constitution of the United States, upon which the state constitution is based. This section also provides that parties to any suits at law are competent to serve as witnesses in such suits.

Dueling.—Section *five* declares any citizen of the state who shall engage in a duel, either as principal or accessory, to be forever disqualified from holding any office under the constitution and laws of the state. This shows the growth in sentiment with regard to the practice of dueling. Hamilton, Burr, Jackson, Clay, and many other prominent men in the early history of our government, resorted to this barbarous way of settling their "affairs of honor."

Laws Uniform.—By section *six*, the general assembly is forbidden to grant any citizen, or class of citizens, privileges or immunities, which shall not apply to all other persons, under the same circumstances. All laws of a general nature must be uniform in their operation. It is a fundamental principle of all free government that there shall be no privileged classes.

Liberty of Speech.—The next section gives every person the right to speak, write, and publish his sentiments on any and all subjects. By its provisions, no law can be passed to restrict liberty of speech or of the press, but any person is liable to prosecution for the abuse of this right. In all prosecutions for libel, if it can be proved that the matter charged as libelous is true, the person accused shall be acquitted. Article *one* of the amendments to the constitution of the United States insures the same freedom to all the people of the United States.

Section *eight* of this article is a verbatim reprint of the fourth article of amendment to the constitution of the United States.

Jury.—Section *nine* provides for maintaining inviolate the right of trial by jury, but authorizes the general assembly to establish a jury of a less number than twelve men in inferior courts. Another provision is, that no person shall be deprived of life, liberty, or property, without due process of law. In accordance with the latter part of the first clause, the jury in a justice court is composed of six men.

Criminal Cases.—Section *ten* refers to the method of procedure in criminal cases, and is, in substance, the same

as article six of the amendments to the constitution of the United States.

Same.—Section *eleven* establishes the mode of procedure in all criminal cases less than felony, in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for more than thirty days. All such cases are to be tried without indictment, before a justice of the peace, or other officer authorized by law. The accused has the right to appeal from the decision of the justice to the district court.

Indictment.—In all other criminal offenses, an indictment must be brought against the person suspected of having committed the crime, before he can be held to answer for the crime of which he is accused. There is an exception to this in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger. Violators of military law are tried by a court martial, consisting of from three to thirteen members, according to the nature of the crime and the rank of the offender.

Twice Tried.—Section *twelve* provides that after a person has been acquitted by a court of competent jurisdiction, he cannot be tried again for the same offense. A person charged with the perpetration of a minor crime, is entitled to his liberty before conviction, upon giving bonds signed by responsible parties that he will present himself, at the appointed time, for trial. Such bonds are called bail, and are usually of twice the amount of the highest money penalty, or fine, that can be attached to the crime.

If the person, thus set at liberty, fails to appear for trial, the amount of the bond, or so much thereof as may be demanded by the court, is forfeited to the school-

fund of the county, and becomes a part of the semi-annual apportionment for the support of schools. Bail is not usually accepted from persons charged with having committed capital crimes, when the proof is evident or the presumption great. A capital offense is one to which the death penalty may be attached.

Habeas Corpus.—Section *thirteen* secures to all the right to a writ of *habeas corpus*, when application is made according to law. This right can be suspended and the writ refused, only in case of rebellion or invasion, or when the public safety may require it. The writ of habeas corpus has been called "The great writ of personal liberty."

It is issued by the judge of the court having jurisdiction of the crime, and cannot be refused when proper application is made by the accused under oath, unless, in case of rebellion or invasion, the public safety may require it. This writ had its origin in England in the "Magna Charta" of King John, granted in the year 1215. Our forefathers esteemed this to be one of their grandest privileges, and it has always been recognized as an inherent right of all citizens of the United States.

Military.—The *fourteenth* section places the military subordinate to the civil power. It declares that no standing army shall be kept up in the state, in time of peace, and, in time of war, that no appropriation for a standing army shall be for a longer period than two years. The next section forbids the quartering of troops in any house, in time of peace, without the consent of its owner, and, in time of war, except in the manner prescribed by law.

Treason.—Section *sixteen* defines treason against the state to consist in levying war against it, adhering to its en-

emies, or giving them aid and comfort. This is virtually the definition given of treason in the constitution of the United States. It is also provided, that no person shall be convicted of treason except upon the evidence of two witnesses to the same act, or upon confession in open court.

Excessive Bail.—Section *seventeen* provides that any bail required shall not be excessive; that is, beyond the nature of the crime for which it is taken. The imposing of excessive fines, and the infliction of cruel and unusual punishments are expressly forbidden.

Property Condemned.—The next section declares that private property shall not be taken for the use of the public without just compensation to the owner. The damages resulting from the appropriation of private property for public purposes, shall be assessed by a jury, but no benefit that the owner of the property would receive from the improvements for which it is taken, can be considered in rendering the decision for damages. Every one is entitled to the use of his property to the exclusion of all other private citizens, but sometimes it becomes necessary to sacrifice private rights for the public weal.

Imprisonment for Debt.—Imprisonment for debt, in any civil process, exeept in case of fraud, is forbidden by the *nineteenth* section, and no person can be imprisoned for a military fine, in time of peace. So long as the English common law was in operation in this country, imprisonment for debt was common, but now it is usually forbidden by constitution or statute in all the states. If the action of the debtor is such that it is reasonable to suppose that he intends to avoid the payment of his debts by concealing his

property, or removing it from the state, the provisions of this section will not apply. In Scotland, at the present time, a person may be imprisoned for a debt of forty dollars or more. Whittier's poem, "The Prisoner for Debt," graphically portrays the condition of persons confined for debt.

Right to Assemble.—Section *twenty* insures to the people some of their dearest rights, among which is that of assembling to counsel for the common good. The rope-makers of Boston held such meetings to devise means for resisting the British soldiery. The modern word caucus is said to be a corruption of *caulkers*, a term often applied to rope-makers. The right of making known their opinions to their representatives, and that of petitioning for a redress of grievances, are also guaranteed.

Bill of Attainder.—The language of the *twenty-first* section is as follows: "No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed." A bill of attainder is a legislative act inflicting the penalty of death, without trial, upon persons supposed to be guilty of high crimes. In former times, the parliament of Great Britain passed laws of this kind, often for the purpose of reaching persons in high places who could not be gotten rid of by ordinary process of law.

Ex-Post-Facto Law.—An ex-post-facto law is one that is passed after the commission of an act by which the act may be punished as a crime. It would seem that the prohibition of ex-post-facto laws would make the latter part of this section unnecessary. Ex-post-facto laws apply to criminal and penal statutes, but not to those that affect property only. Hence, we may say that this part of the

section prohibits ex-post-facto laws in the interests of contracts.

Rights of Aliens.—Section *twenty-two* grants to all foreigners residing in the state, the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

Slavery.—The *twenty-third* section prohibits slavery, and declares that there shall be no involuntary servitude in Iowa, except for the punishment of crime.

Lease of Farm Lands.—The *twenty-fourth* section limits leases of agricultural lands from which rent or service of any kind is reserved, to a period not exceeding twenty years.

Rights Reserved.—The *twenty-fifth* section is a fitting one with which to close this Bill of Rights. Its language is, "The enumeration of rights shall not be construed to impair or deny others, retained by the people." Liberty, civil and religious, is insured to all within the borders of the state, and, as if this were not enough, any other privileges that may be enjoyed, are reserved to the people. Surely our government rests on a foundation broad and deep.

CHAPTER XIII.

ARTICLE II.—Right of Suffrage.

Right to Vote.—The constitution of every free government designates those persons who have the right to vote. With us, all political power is inherent in the people. This power is sometimes called the elective franchise, and it consists in the right to vote for public officers and measures proposed for the common good. It is customary in the United States to restrict this right to male citizens, at least twenty-one years of age. Persons under that age are thought to be too young to know how to vote properly upon questions of public importance, but, at best, the rule is an arbitrary one. Some standard must be adopted, and perhaps the one in use is as good as any that could be devised.

Qualifications of Voters.—The lowest, or minimum, age at which persons may vote is the same in all the states, but aside from that there is no uniformity. Few of the states agree in all points relating to the qualifications of voters. Wyoming and Colorado allow women to vote at all elections, and several other states give them the right to vote on school and municipal matters. All of the states bordering on Iowa, with the exception of Illinois, allow aliens, who have declared their intention to become citizens of the United States, to vote at all elections, provided they have the qualifications as to age, sex, residence, etc., as provided by the state constitution.

Residence.—Some of the states require two years' residence within the state as a qualification for voting, and at least two states lower this qualification to three months' residence. The residence in the county required of voters varies from no time specified to a residence of one year, and the same variation occurs with reference to residence in the voting precinct. In several of the states, voters are required to register their names and places of residence at a specified time before the election, and failing in this, they are deprived of the right to vote at that election.

Other Qualifications.—Some of the states require a property qualification of electors—that is, before a person, otherwise legally qualified, can vote, he must prove that he owns a certain amount of property, or pays taxes or rent of a specified sum. Several state constitutions provide that "Indians, who have renounced their tribal relations and who have donned the habiliments of civilization, may vote at any election now or hereafter authorized by law." Several of the states require educational qualifications of electors, while others have no such restriction, and some do not even require citizenship of the United States as a qualification for voting.

Privileges.—All electors who are not accused of treason, felony, or breach of the peace, are privileged from arrest on election day, while attending the election, or going to or returning from the same. No elector is obliged to perform military duty on the day of election, except in time of war or public danger. Persons engaged in the military, naval, or marine service of the United States do not gain a residence in the state by being stationed here in the discharge of their duties.

Exceptions.—Idiots and insane persons are prohibited from exercising the right of suffrage because they cannot do so understandingly. The only qualified electors who are denied this privilege, are those who have been convicted of some infamous crime. It would not be wise to allow criminals a voice in making the laws.

Ballot Reform.—The right of electors to vote as they choose is established by the last clause, which declares that all elections by the people shall be by ballot. To correct certain abuses in the method of voting by ballot, the general assembly, in 1892, passed a law providing for a secret ballot, known as the "Australian Ballot." Although not a part of the constitution, this law is a very valuable one, and a brief history of the plan, as well as the prominent features of the Iowa law relating to this manner of voting, will now be given.

Belgian Ballot.—This method of voting had its origin in New South Wales, Australia, in 1857. Fifteen years later, it was adopted in England, and afterwards by Canada. Within the past six years, nearly every state in the Union has adopted a secret ballot based upon the Australian plan. The Iowa law is based upon a plan used in Belgium, and should properly be called the "Belgian Ballot." By the former plan, the candidates are classified by offices, while by the latter, the are grouped according to political parties.

Old Plan.—Up to the time that this law went into effect, election ballots were printed by political parties or by the candidates for office. This plan was an expensive one, and there were many abuses connected with it. The secret ballot now in use makes it impossible for a corrupt politi-

cian who wishes to buy votes to be sure that the voter has cast the ballot as agreed upon.

Nomination of Candidates.—Candidates for the various offices to be filled are put in nomination by conventions of delegates. Candidates for state officers are nominated in a state convention composed of delegates from each of the counties. Candidates for district offices are named by delegates from the counties in the district, and for county officers by a county convention composed of delegates chosen from each of the townships of the county. Candidates for township offices are nominated by each political party in a township meeting called a caucus.

Ballots.—There are as many state, district, and county conventions held as there are political parties. The names of all the candidates for all the offices to be filled are printed together on sheets called "blanket" ballots. The names of the candidates are arranged in columns with the name of each political party at the head of the proper column.

Ballots Furnished.—The ballots are prepared and printed under the direction of the county auditor, and every ballot printed must be accounted for. The ballots are printed at the expense of the county, and as many as are likely to be needed are furnished the judges of election at each voting precinct.

Marking Ballots.—On the day of election, the voters assemble to cast their ballots. A voter approaches the table about which the judges of election are seated, announces his name and asks for a ballot. In cities of two thousand inhabitants and upwards, voters are required to

SAMPLE BALLOT.

REPUBLICAN.

For Secretary of State.
☐ W. M McFARLAND, of Emmet County.

For Auditor of State.
☐ C. G. McCARTHY, of Story County

For Treasurer of State.
☐ JOHN HERRIOTT, of Guthrie County

For Judge of Supreme Court.
☐ C. T. GRANGER, of Allamakee County

For Judge of Supreme Court (to fill vacancy.)
☐ H. E. DEEMER, of Montgomery County

For Attorney-General.
☐ MILTON REMLEY, of Johnson County

For Clerk of Supreme Court.
☐ C. T. JONES, of Washington County

For Supreme Court Reporter.
☐ B. I SALINGER, of Carroll County

For Railroad Commissioner.
☐ C. L. DAVIDSON, of Sioux County

DEMOCRAT.

For Secretary of State,
☐ HORATIO F. DALE, of Polk County

For Auditor of State.
☐ BERT C. BENHAM, of Muscatine County

For Treasurer of State.
☐ L. W WHITE, of Wayne County

For Judge of Supreme Court.
☐ JOHN CLIGGITT, of Cerro Gordo County

For Judge of Supreme Court (to fill vacancy).
☐ W. E MITCHELL, of Fremont County

For Attorney-General.
☐ J. D. F. SMITH, of Cherokee County

For Clerk of Supreme Court.
☐ T F WARD, of O'Brien County

For Supreme Court Reporter.
☐ J. J. SHEA, of Pottawattamie County

For Railroad Commissioner.
☐ JOHN C COLE, of Lee County

PEOPLE'S.

For Secretary of State,
☐ SYLVANUS B. CRANE, of Scott County

For Auditor of State.
☐ J. BELLANGEE, of Polk County

For Treasurer of State.
☐ AARON BROWN, of Fayette County

For Judge of Supreme Court.
☐ JOHN CLIGGITT, of Cerro Gordo County

For Judge of Supreme Court (to fill vacancy).
☐ J. E. ANDERSON, of Winnebago County

For Attorney-General.
☐ A. W. C. WEEKS, of Madison County

For Clerk of Supreme Court.
☐ CHAS. V. FARBER, of Scott County

For Supreme Court Reporter
☐ J. J. SHEA, of Pottawattamie County

For Railroad Commissioner.
☐ W. W. PATTEE, of Polk County

PROHIBITION.

For Secretary of State.
☐ BENNETT. M. MITCHELL, Crawford County

For Auditor of State.
☐ C. H. GORDON, of Fayette County

For Treasurer of State.
☐ MRS. A. E. McMURRAY, of Polk County

For Judge of Supreme Court.
☐ JACOB W. ROGERS, of Fayette County

For Judge of Supreme Court (to fill vacancy.
☐
of County

For Attorney-General.
☐ W. A. MAGINNIS, of Jackson County.

For Clerk of Supreme Court.
☐ M. W. ATWOOD, of Emmet County

For Supreme Court Reporter.
☐ MRS. M. H. DUNHAM, of Doubloinee County.

For Railroad Commissioner.
☐ MALCOLM SMITH, of Lynn County.

register their names and residences a certain number of days preceding the election, or forfeit the right to vote. In case registration is required, the voter's name must be checked on the registration book before he will be given a ballot. One of the judges takes a folded ballot and writes his initials upon the back. The voter then takes the ballot, passes into a booth, and prepares his ballot secretly.

Ballots.—At the head of each column is a circle, and there is a square place in front of the name of each candidate. If the voter wishes to vote a straight ticket, he makes a cross (X) in the circle at the head of the column which contains the names of the candidates of his political party. If he wishes to scratch the ticket — that is, vote for candidates belonging to different parties—he puts the cross in the squares in front of the names of the candidates for whom he wishes to vote. The marking must be done so as to show his preference for one candidate for each office.

Voting.—Having marked his ballot, he folds it so as to show the initials of the judge of election who marked it, passes out of the booth, and hands the ballot to one of the judges of election, at the same time announcing his name, so that it may be recorded by the clerks of election. If a ballot is soiled, or found to be defective, the voter must return it to the judges of election and get another. He will not be permitted to take a ballot away with him. Blind voters, and those who cannot read, may have assistance in marking their ballots.

CHAPTER XIV.

ARTICLE III.—Distribtuion of Powers.

Branches of Government.—Government, both state and national, is divided into three branches:—legislative, executive, and judicial. It is intended that each branch shall be independent of the others, but this is not always possible. Each state in the Union has a constitution which provides for these three branches and defines the powers of each. The legislative branch is also called the law-making power; the executive branch, the law-enforcing power, and the judicial branch, the law-interpreting power.

Legislative Branch.—The legislative branch of government in Iowa is called the general assembly, or state legislature, which consists of a senate and a house of representatives. The style, or heading, of every law passed by the general assembly is: "Be it enacted by the General Assembly of the State of Iowa." The sessions are biennial and are designated by number. The session to be held in 1896 will be the meeting of the Twenty-Sixth general assembly.

House of Representatives.

Qualifications.—The house of representatives, or lower house, as it is sometimes called, is composed of members chosen every second year by the qualified voters of their respective districts. A representative must be a male citizen

of the United States, at least twenty-one years of age. He must have been an inhabitant of the state of Iowa one year next preceding his election, and, at the time of his election, must have had an actual residence of sixty days in the county or district he is chosen to represent.

Number of Members.—The house of representatives now consists of one hundred members, the largest number possible under the constitution. The number of representative districts is ninety-one, and the ratio of representation is one representative for every twenty-two thousand inhabitants or fraction thereof more than one-half in the district. As the population of the state increases, it becomes necessary to increase the ratio of representation. This may be done at any regular session of the general assembly. No representative district can contain more than four counties, and each district is entitled to at least one representative.

Additional Representation.—Every county or district having a number of inhabitants equal to one-half of the ratio of representation is entitled to one representative, and a county or district having a population equal to one and one-half times the ratio of representation is entitled to one additional representative. By this provision, there is a gain of nine members in the ninety-one districts of the state.

Census.—Section 33, of Article III, of the constitution, says: "The general assembly shall, in the years 1859, 1863, 1865, 1867, 1869, 1875, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state." These enumerations, together with the United States census, taken in the last year of each reg-

ular decade, enable the general assembly to apportion the senators and representatives among the several districts.

Election.—The members of the house of representatives are chosen at the general election, held on the Tuesday next after the first Monday in November of each odd-numbered year. In some of the states, the meetings of the legislature are held every year, and the members in such instances are elected annually.

Qualification of Voters.—It will be seen by section one of the second article of the constitution, that every male citizen of the United States, twenty-one years of age, or over, who has been a resident of the state six months, and of the county in which he claims his vote, sixty days next preceding the election, is duly qualified to vote at any election held in this state. These are the only qualifications required of voters for members of the general assembly. Sections four and five of the same article contain the only exceptions to the above qualifications.

Citizenship.—The term citizen is often improperly restricted to those persons who have the right of suffrage. Many voters in the United States are not citizens, and, in all the states, many citizens are not voters. The fourteenth amendment to the United States constitution says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." In some states, foreigners acquire the right to vote at all state elections upon taking out the first naturalization papers. That is not the case in Iowa, however. Here a foreigner must have completed the process of naturalization before voting at any election.

Vacancies.—When vacancies occur in either house, it is the duty of the governor, or acting executive officer, to issue writs of election to fill such vacancies.

Powers.—The house of representatives has the same power as the senate in general law-making. Bills may originate in either house, and may be amended, altered, or rejected by the other. The power to impeach state officers is vested in the house of representatives, but the trial of all persons impeached rests with the senate. With this exception, the powers of both houses are the same.

The Senate.—The senate is composed of members chosen by the qualified voters of the several senatorial districts. The constitution provides that the number of senators shall not be less than one-third, nor more than one-half the number of representatives. The senate is now composed of fifty members, the largest number possible under the constitution.

How Composed.—The state is separated into fifty senatorial districts, and each district is entitled to one senator. In some of the other states, the senate is a much smaller body than in Iowa. In all of the states, the senate has fewer members than the house. In Iowa, the senatorial term is four years.

Qualifications.—Senators must be at least twenty-five years of age. The qualifications as to citizenship, inhabitancy, and residence are the same as for representatives. It was intended by the founders of the constitution that the senate should be composed of men of wide experience, and hence the distinction in age was made. In this respect, the

state constitution is modeled after the constitution of the United States, although the minimum age required is not the same.

Senators Classed.—At the first session of the legislature, the senators were divided into two classes as nearly equal as possible. The term of those belonging to the first class expired in two years, and that of the others in four years. The successors of the members of each class were chosen for four years. As the number of senators increased, they were annexed, by lot, to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable. At present, there are two classes of twenty-five members each.

Powers.—The senate is co-ordinate with the house in all general legislation. The impeachment of all state officers rests with the house of representatives, but the trial of those impeached is conducted by the senate. When acting as a court in such cases, the senators are placed under oath or affirmation to decide the case upon its merits. No person can be convicted without the concurrence of two-thirds of the members present.

Impeachment.—The governor, judges of the supreme and district courts, and other state officers, are liable to impeachment for any misdemeanor or malfeasance in office. Judgments in such cases extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the state. The decision of the senate does not prevent the offender from being indicted, tried, and punished, according to the laws which govern the crime of which he is accused.

Sessions.—The sessions of the general assembly are held once in two years, at the seat of government, and commence on the second Monday in January of each even-numbered year. The governor may, in cases of necessity, convene the general assembly by proclamation, before the regular time of meeting. At two o'clock in the afternoon of the day on which the legislature meets, each house is called to order by some person present who claims to be a member. A temporary secretary of the senate, and clerk of the house are then chosen, and they proceed to prepare lists of those claiming membership, each for his own house.

Credentials.—The persons whose names appear on these lists appoint a committee of five members of each house on credentials. The chairman of these committees report the names of those who hold certificates of election to membership, and each house then proceeds to form a permanent organization, by the election of officers. The lieutenant-governor is *ex-officio* presiding officer of the senate and acts in this capacity during the term for which he is elected. He is not a member of the senate, however. The presiding officer of the house of representatives, called the speaker, is chosen from among its own members. The other officers of the senate are the secretary and two assistants, an enrolling clerk, an engrossing clerk, sergeant-at-arms, janitor, and doorkeeper.

Officers.—The house officers are a chief clerk and two assistants, clerks for enrolling and engrossing, a sergeant-at-arms, two postmasters, doorkeeper, janitor and assistant, and mail carrier.

Oath.—Members of the general assembly must take an oath, or affirmation, before entering upon the discharge of

their duties. The form of the oath is as follows: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will discharge the duties of senator (or representative), to the best of my ability." This is, substantially, the oath taken by all officers in the state, from the lowest to the highest. Members of either house are authorized to administer the oath to each other, or to any other persons doing business with them when in session, or when acting as members of committees.

Pay.—The members of the general assembly are allowed a compensation for their services, the amount of which is determined by law. At the first meeting under the new constitution, the members of each house received three dollars per day for their services while in session, and three dollars for every twenty miles traveled in going to and returning from the seat of government by the nearest traveled route.

Special Session.—The law now is that every member shall receive five hundred and fifty dollars for each regular session, and five cents for each mile traveled in going to and returning from the capital. For each special session, each member receives the same compensation per day that was received by members at the preceding regular session. For example, if the legislature remained in session one hundred days at the last regular meeting, the rate per day would be five dollars and a half. This, then, would be the rate of compensation for each day of the special session. In no case, however, can the pay of members for any special session, be more than six dollars per day, exclusive of



SENATE CHAMBER, STATE CAPITOL.

mileage. Members and clerks are supplied with all necessary stationery at the expense of the state.

When Paid.—At the expiration of thirty days from the convening of the general assembly, the members are entitled to draw the mileage due them, and also one-half of the compensation for the entire session. The minor officers and employes receive their pay from time to time upon the certificates of the presiding officers of the respective houses in which they are employed. The remainder of the salary of members is paid at the close of the session.

CHAPTER XV.

LEGISLATIVE DEPARTMENT.

Special Provisions.—Each house chooses its own officers, and judges of the qualification, election, and returns of its own members. A person who has not all the necessary qualifications for membership may be elected, and his certificate of election properly returned. It is left with each house to decide all questions of this kind. A contested election is settled in a manner prescribed by law. The speaker of the house holds his office the full term for which he was elected, but all other officers serve only during the session at which they were chosen.

Quorum.—A majority of the members of each house constitutes a quorum for the transaction of business. But a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide. This rule applies in all legislative bodies, and its necessity is often shown.

Adjournment.—Each house determines the time of its own adjournment with the restriction that neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. The reason for this exception is, that one house might retard the business of the other,

or prevent legislation altogether, by adjourning from place to place, or for an indefinite period of time.

Rules of Order.—In addition to keeping and publishing a journal of its own proceedings, each house determines the rules by which it is governed. In the absence of other rules, those contained in Cushing's Manual of parliamentary practice are used. One of the rules established by the constitution is, that each house shall sit with open doors, except on such occasions as require secrecy. This is not properly a rule of order, however.

Members may be punished or expelled for disorderly conduct. It requires a two-thirds vote to expel, and no person can be so punished a second time for the same offense.

Freedom of Speech.—No member can be called in question in any other place for anything he may say in any speech or debate upon any question in either house. The rules of order determine the mode of procedure in debate, and a member may be denied the right to participate in discussion for violating those rules.

Privilege.—Senators and representatives, in all cases except treason, felony, and breach of the peace, are privileged from arrest while attending a session of the legislature, and in going to and returning from the same. Were it not for this provision, members of the legislature might be arrested on false charges and thus be prevented from taking part in the work of law-making.

Right to Object.—Any member has the right to dissent from, or protest against, any act or resolution which he may consider injurious to the public, or to private citizens.

He may also have his objections to the measure entered upon the journal of the house of which he is a member. At the call of any two members present, a vote by yeas and nays must be taken and recorded in the journal.

Yeas and Nays.—The process of voting in this way is longer than the ordinary one, but it serves to put each member upon record as to how he votes. The names of members and the manner of voting are made a part of the record, and the people, in this way, are enabled to learn just what their representatives are doing.

Privilege.—Any person who knowingly arrests a member in violation of his privilege, is guilty of contempt, and may be punished by fine or imprisonment, or both. The same penalty may be inflicted upon any one for assaulting or threatening to assault a member, or injure his person or property, on account of anything said or done by him in the discharge of his duties. Any attempt to control or influence the action of a member, by menace or other improper means, is considered a contempt, and may be punished as prescribed above. Several minor offenses may be treated in the same way.

Punishments.—Fines and imprisonments for contempt are made upon an order from the proper house. The order, with the reasons for which it was issued, must be entered upon the journal. A warrant for imprisonment is signed by the presiding officer, and countersigned by the secretary or clerk. The sheriff, or jailor, of the proper county receives the warrant, and serves it in the same manner as any other writ. Such imprisonment cannot extend beyond the session at which it is ordered, but the guilty

party may be tried and punished for the same offense, in the courts of the state.

Witnesses.—Any person may be summoned by subpœna, to appear before any committee of either or both houses to testify upon any subject which the committee may be considering. The person so summoned is entitled to the same compensation as witnesses before the district court, but he cannot demand the payment of his fees in advance.

Other Offices. —As a means of preventing fraud, the following section was adopted: "No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people." A similar provision is contained in the constitution of the United States.

Ineligibility.—Persons holding lucrative offices under the United States, the state of Iowa, or any other power, are declared by the constitution of the state to be ineligible to a seat in the general assembly. Officers of the militia who draw no annual salary, justices of the peace, postmasters, whose compensation is not more than one hundred dollars per year, and notaries public, are not included in the provisions of this section.

Same.—Before any person who has been a holder or collector of public money, can take his seat as a member of the general assembly, or be eligible to hold any office of trust or profit in this state, he must have accounted for and

paid into the treasury all funds belonging to his office. This is to prevent persons, guilty of appropriating public money to improper uses, from becoming legislators in their own behalf.

Prohibitions.—After any officer, public agent, or contractor, has entered upon the discharge of his duties, or completed the services agreed upon, he cannot receive any extra compensation for such services. No money can be drawn from the public treasury except in accordance with appropriations made by law. Money cannot be paid on any claim that was not provided for by pre-existing laws, and the appropriation of public money or property, for private purposes, cannot be made except with the concurrence of two-thirds of all the members elected to each house.

Laws General.—The general assembly is forbidden to pass any local or special laws for levying taxes for state, county, or road purposes; for laying out and improving roads; for changing the names of persons; for the incorporation of cities and towns; for vacating roads, town plats, streets, alleys, or public squares; and for locating or changing county seats. In these and all other cases of a general nature, all laws must be of uniform operation throughout the state. The legislature can pass no law for changing the boundaries of counties, that may not, at a general election, be ratified or rejected by the people of the counties affected.

Prohibitions.—The general assembly is prohibited from granting divorces, or authorizing lotteries and the sale of lottery tickets within the state. Only one subject, with the matters pertaining to it, can be included in any one bill, and the subject treated of must be stated in the title of the

bill. If the subject matter of any bill is not expressed in the title, that part of the act referring to such subject matter is void.

Laws take Effect.—Laws of a public nature, passed at a regular session of the legislature, do not take effect until the Fourth of July after they are passed. The laws enacted at a special session take effect in ninety days after adjournment. Any law that is deemed to be of special importance may be put into effect by publication in certain designated newspapers published in the state.

Committees.—The draft of a proposed law is called a bill. As it would be impossible, in open session, to transact all business connected with law-making, it is customary to refer certain parts of the work to committees. These committees are of two kinds, standing and special. The nature of the measure determines the committee to which it is referred. Committee meetings are held between the daily sessions of the legislature, and the result of their deliberations is reported to the proper house for final action.

Approval of Governor.—Bills may be introduced in either house, but the other house may alter, amend, or reject them altogether. Before a bill can become a law, it must pass both houses and be signed by the speaker of the house and the president of the senate. It is then presented to the governor for approval. If he is satisfied with its provisions, he affixes his signature, and the bill becomes a law. If he objects to the bill, it is his duty to return it to the house in which it originated, with his objections.

Veto.—These objections being entered upon the journal, this house then proceeds to reconsider the bill. If,

after such reconsideration, the bill is again passed by a two-thirds majority of each house, it becomes a law, notwithstanding the governor's objections. The refusal of the governor to sign a bill is called his veto. *Veto* is a Latin expression, signifying, "I forbid it." The veto power is seldom exercised in this state.

Governor's Neglect.—The failure of the governor to return a bill within three days from the time it is presented to him (Sunday excepted), is equivalent to his signature, unless the general assembly, by adjournment, prevent its return. A bill presented to the governor during the last three days of the session must be deposited by him with the secretary of state within thirty days from the time the legislature adjourned. He must also signify his approval by signing the bill, or if he vetoes it, his objections must be filed with the secretary of state, along with the bill itself.

Readings of Bill.—Every act or resolution receives three separate readings, but its second and third readings can not occur upon the same day. A bill cannot be passed without the assent of a majority of all the members elected to each branch of the legislature. The question upon its final passage must be taken immediately after its last reading; the vote being by yeas and nays.

Joint Convention.—Certain business of the general assembly is transacted in joint convention of both houses. Such meetings are held in the hall of the house of representatives, and in the absence of the president of the senate and speaker of the house, a temporary president is chosen on joint ballot. A record of the proceedings is kept by the clerk of the house and the secretary of the senate, and recorded by them upon the journals of their respective houses.

United States Senators.—United States senators are elected by the legislature in joint convention in the following manner: The names of the members are arranged in alphabetical order; and each one votes in the order in which his name stands on the list. The name of the person voted for, and of the one voting, are recorded in writing by the judges of election, and, after the names are read a second time, to correct any errors of record that may have been made, the judges report to the presiding officer the number of votes each candidate has received. If no one has received a majority of all the votes cast, a second vote is taken, and so on from time to time until some one receives a majority.

Election.—The person receiving such a majority is declared to be duly elected, and the president of the convention signs duplicate certificates of election, one of which is transmitted to the governor, the other being preserved as a part of the records of the convention. This is substantially the plan pursued in the election of all officers chosen by the general assembly in joint convention.

CHAPTER XVI.

EXECUTIVE DEPARTMENT.

CONSTITUTION.—ARTICLE IV.

Governor.—To the executive department belongs the duty of enforcing the laws of the state. The chief officer of this department is the governor, who is elected every second year by the qualified voters of the state. The election occurs on the Tuesday next after the first Monday in November of each odd-numbered year, and the term of office begins on the second Monday in January following the election. The duties of the governor are very important, for to him is entrusted the enforcement of the laws of the state.

Qualifications.—The qualifications of the governor are not the same in all the states. In Iowa, no person is eligible to that position who is not a male citizen of the United States, at least thirty years of age, and who has not been a resident of the state for two years immediately preceding the election. A lieutenant-governor is chosen at the time the governor is elected. He must have the necessary qualifications for governor, and his term of office is the same as that of the governor.

Returns of Election.—The returns of the election for governor and lieutenant-governor are sealed and transmitted to the seat of government. They are directed to the speaker of the house of representatives, and it is his

duty to open and publish them in the presence of both houses of the general assembly. In some states these officers are elected every year.

The persons who have received the highest number of votes for governor and lieutenant-governor respectively, are declared elected. In case of a tie vote for two or more persons for either office, it is the duty of the general assembly in joint meeting to proceed to the election of governor or lieutenant-governor, as the case may be.

Duties.—The governor is commander-in-chief of the militia, and of the army and navy of the state. He transacts business with all civil and military officers of the government, and receives information from the other officers of the executive department upon any subject pertaining to their duties.

When any office becomes vacant from any cause, it is the duty of the governor to fill the vacancy by appointment, unless the constitution or laws of the state provide some other way. The appointment lasts only until the end of the next meeting of the legislature or the next general election by the people.

Call Special Session.—He may, on extraordinary occasions, call a special session of the general assembly by proclamation, and when both houses have assembled, it is his duty to state to them the reasons for which they have been convened. This action is rarely taken except in cases of public danger, as the expense of holding a session for a few days only amounts to a large sum of money. The mileage is the same for a special as for a regular session.

Message.—After the organization of the general assembly is completed, the governor's message is read to each house by its clerk. This message contains a state-

ment of the condition of the state, together with such recommendations as the governor may see fit to make concerning matters of importance. This document corresponds to the president's annual message to congress, and is always written or printed. The first two presidents made their recommendations in person, but since their time, the present custom has prevailed.

Powers.—In case both houses fail to agree upon the time of adjournment, the governor fixes the time at which that body shall stand adjourned. The power to prorogue, or forbid the assembling of the legislature, is expressly denied by the last clause of section thirteen of this article.

Same.—The governor has power to grant commutations and pardons in all cases except treason and impeachment, subject to regulations provided by law. A reprieve is a temporary suspension of the death penalty that has been passed upon a person convicted of a capital crime. For a number of years, the death penalty was forbidden by the laws of the state, but it was revived in 1878, and may be applied upon conviction of murder in the first degree. A commutation of a sentence shortens the time or lessens the severity of the punishment. A pardon forgives the criminal and orders his release.

Suspension of Sentence.—After a person has been convicted of treason, the governor may suspend the execution of the sentence until the legislature can act upon the matter. That body may either grant a pardon, commute the sentence or direct its execution, or extend the time of the reprieve. The governor has the power to remit fines and forfeitures also, but under certain restrictions made by law.

Report.—Each case of reprieve, commutation, pardon, or remission of fine or forfeiture must be reported to the general assembly at its next meeting. The name of the person relieved from any of the above penalties, with the reasons for the executive action, must form a part of the report.

Lieutenant-Governor.—The lieutenant-governor is *ex-officio* president of the senate, but he has no vote except when that body is equally divided. In case of the absence or disability of this officer, or when he is discharging the duties of governor, it becomes necessary for the senate to choose a president *pro-tem.* The salary of the lieutenant-governor is fixed at double that of members of the senate. This, according to the present law, amounts to eleven hundred dollars for the term of two years. In case of the death, impeachment, resignation, or removal of the governor, the duties of that officer devolve upon the lieutenant-governor, and during the time he is acting in such capacity, he receives the same compensation as the governor.

President pro tem.—If the lieutenant-governor, while acting as governor, is impeached or displaced, or for any other reason becomes unable to perform the duties devolving upon him, the president *pro-tem* of the senate acts as governor until the vacancy is filled, or the disability removed. And in case this officer becomes disqualified from any cause, the speaker of the house of representatives acts in his stead.

Great Seal.—Motto.—The governor is the custodian of the great seal of the state, which is used by him officially in sealing all grants and commissions. All commissions granted by the governor must be signed by him and countersigned by the secretary of state. The motto of the state

is a grand one: "Our liberties we prize, and our rights we will maintain."



Salary.—The salary of the governor is fixed at three thousand dollars a year. He is allowed five hundred dollars a year additional for serving as a member of the executive council, and his traveling expenses when visiting the different state institutions. His house rent, not to exceed six hundred dollars annually, is also paid out of the state treasury.

CHAPTER XVII.

Other State Officers.

Other Officers.—The constitution also provides for the election of a secretary of state, an auditor of state, and a treasurer of state, to be elected by the qualified voters for a term of two years. Several other officers, properly belonging to this branch of the government have been authorized by law, and the duties of all of these will now be discussed in a general way.

Secretary of State.—The secretary of state has charge of all the records of the territorial government of Iowa, the enrolled copies of the constitutions of the state—the old one of 1846 and the new one of 1857—and all other records of the state not kept by the other executive officers. All commissions signed by the governor are countersigned by him, and a record of them is kept by him in a register provided for that purpose.

Report.—Salary.—He is also required to make a biennial report to the governor of all criminal cases as reported to him by the clerk of the district court of each county. He also acts as register of the land office, and there are many valuable papers and records relating to the sale of public lands on file in his office. His bond is fixed at not less than five thousand dollars, but it is usually much more than that. His salary is twenty-two hundred dollars a year, and that of his deputy, fifteen hundred dollars. His election occurs in the even-numbered years.

Auditor of State.—The auditor is the general accountant of the state, and to him is entrusted the duty of keeping a correct account of all moneys belonging to the state, as well as of all moneys expended. He superintends the fiscal affairs of the state, and furnishes information and blanks in the proper form to enable county auditors and treasurers to report to him the items they are required to furnish by law.

Duties.—He draws warrants on the state treasury for all appropriations authorized by law, and reports to the governor before each regular session of the general assembly, the amount of all revenue, funds, income, and taxable property of the state, together with the expenditures for all purposes since his last report.

Report.—Salary.—On the first Monday of March and September of each year, he apportions the interest on the permanent school fund among the counties in proportion to the number of persons of school age in each. The office of the auditor is at the seat of government, and everything that is necessary to enable him to discharge the duties devolving upon him is furnished at the expense of the state. His bond is fixed at not less than ten thousand dollars. His salary is twenty-two hundred dollars per year, and that of his deputy, fifteen hundred dollars.

Treasurer of State.—The treasurer receives all moneys belonging to the state and pays all warrants drawn upon the treasury by the auditor. He keeps a record of all warrants paid by him, and reports to the auditor once a week the number and amount of all warrants paid since his last report, and also the name of the payee in each case. A report of the affairs of his office must be made to the governor as soon as practicable after the first Monday of November in

each odd-numbered year. His bond is fixed at not less than three hundred thousand dollars. His salary is twenty-two hundred, and that of his deputy, fifteen hundred dollars per year.

Executive Council.—The governor, auditor, secretary, and treasurer of state, compose the executive council. Any three of these officers constitute a quorum for the transaction of business. The duties of this body are numerous and important, for to it is given the general management of the property of the state.

The duties of township trustees, town councils, and boards of supervisors as boards of equalization have been explained elsewhere. In the same manner, the executive council of the state serves as a board of equalization between counties. A board of this kind is necessary in order that taxation for the support of the state government may be uniform.

Equalization.—For many years the rate of taxation for the support of the state government has been two and one-half mills on every dollar of the assessed value of the taxable property of the state. By accident or design, the property of a county might be assessed very low. This would lessen the amount of money raised for state purposes, but it would not affect local taxation.

Taxes.—To raise a specified sum of money for school purposes, for example, by lowering the assessment, it would be necessary simply to raise the rate of taxation. Local boards, generally, are required to estimate the amount of money to be raised instead of fixing the rate of assessment. The rate is computed by the county auditor by dividing the amount of money to be raised for any purpose by the assessed value of the property in the district to be taxed.

Duties of Council.—The executive council acts as a board to audit accounts of supplies furnished the different state officers, and provides paper for the public printing, as well as stationery for the general assembly, the public offices, and the supreme court. All warrants drawn by this board are paid out of the public treasury, but all moneys so drawn must be reported to the next general assembly. The officers that compose this council receive five hundred dollars each for their services, in addition to their regular salaries.

Superintendent of Public Instruction.—The state superintendent of public instruction has general supervision of the public schools of the state. He holds conventions of county superintendents, from time to time, for the purpose of giving explanations and instructions that will lead to uniformity in the school work of the different counties.

Duties.—By virtue of his office, he is a member of the board of regents of the state university, president of the board of directors of the state normal school, and of the educational board of examiners. He renders a written opinion to any school officer who may desire it, and also decides all appeals from the county superintendent, when properly made.

School Laws.—At the end of every fourth year, he has a sufficient number of the school laws and decisions printed to supply each district in the state with at least one copy, bound in cloth, and enough paper covered copies of the school laws to furnish one to each school officer in the state.

Report.—His report to the general assembly at each regular session embraces the number of teachers, schools, and school-houses, the condition of the public schools, and

such other information as has been reported to him by the county superintendents. One thousand copies of this report are printed and presented to the general assembly on the second day of its session. It is also his duty to appoint a normal institute in each county, annually, upon the assurance of the county superintendent that at least twenty teachers desire to attend such a meeting.

Salary, Etc.—He is provided with an office at the seat of government, in which he keeps all the records, reports, and other public documents belonging to his office. His bond is not less than two thousand dollars. His compensation is twenty-two hundred dollars a year, and that of his deputy, fifteen hundred dollars.

Mine Inspectors.—There are three mine inspectors appointed by the governor, with the consent of the senate. Their term of office is two years, commencing on the first day of April of each even-numbered year. For convenience, the state is divided into three districts, one inspector being assigned to each district. These officers are required to give all their time to the discharge of their duties, and a careful examination of all the mines of the state is made at frequent intervals.

Duties.—It is their special duty to see that the mines operated in the state are properly ventilated, and that suitable outlets from the mines are provided. They must also see that the best appliances for the preservation of the life and health of miners are used in the mines. No person can be appointed mine inspector unless he is a citizen of the United States and of Iowa, of good moral character, and at least twenty-five years of age. Each mine inspector must have been a practical miner for at least five years. The salary of each inspector is twelve hundred dollars a year.

Superintendent of Weights and Measures.—This officer is appointed by the governor from among the professors of the state university, being subject to removal at the pleasure of the governor. The standard weights and measures are provided at the expense of the state and kept in a building erected for that purpose by the state. Copies of these weights and measures are furnished the boards of supervisors at their request, and to be paid for out of the general fund of the county procuring them. The salary of the superintendent of weights and measures is fifty dollars a year.

Veterinary Surgeon.—The state veterinary surgeon is appointed by the governor for a term of three years, unless sooner removed. He must be a graduate of some veterinary college, and a person skilled in veterinary science. He has general supervision of all contagious and infectious diseases of animals within the state, and he is empowered to quarantine any animals so diseased, whether they are owned in the state, or are in transit through the state. The person holding this office becomes a member of the state board of health by virtue of his appointment. His compensation is fixed at five dollars a day and actual expenses during the time he is occupied in the discharge of his duties.

Attorney-General.—The attorney general is a lawyer who acts as counsel for the general assembly and state officers, and appears for the state in all cases, civil or criminal, in which the state is a party, when requested to do so by the governor, executive council, or general assembly. He appears as prosecuting attorney for the state in all criminal cases tried by the supreme court upon appeal from the district court. At the request of any state officer or county attorney, it is his duty to give, free of charge, his

opinion in writing upon any question of law that may be submitted to him.

He reports to the general assembly such information concerning the business of his office as may be required by that body. His salary is fixed at fifteen hundred dollars per year, and, in addition to this, he receives five dollars per day for attending all sessions of the supreme court. He is also entitled to certain fees for services rendered in accordance with the provisions of chapters on insurance in the Code of Iowa.

Adjutant-General.—The adjutant-general is an officer appointed by the governor to act as inspector and paymaster-general of the militia. His rank is major-general. On or before the first Monday of January of the year following the one in which the census of the state is taken, he reports to the adjutant-general of the United States the whole number of persons in the state subject to military duty. He issues all orders of the governor relating to military law, and causes them to be published, from time to time, as it becomes necessary. He keeps a roll of all commissioned officers of the militia, with their residence and rank, and such other information as may be necessary concerning them. His salary is fifteen hundred dollars a year.

State Printer.—The state printer is elected by the general assembly in joint convention for a term of two years. His office is at the seat of government, and it is his duty to print the journals of both houses of the general assembly, and the laws enacted by that body, as well as all forms, blanks, and other incidental matter required by the different state officers. His work must be promptly done in a workmanlike manner, and for it, he receives compensation fixed

by law, the amount of which depends upon the work done. His bond is not less than five thousand dollars, and must be signed by at least three sureties. His term of office begins on the first day of January of the year next following his election.

State Binder.—This officer is elected in the same manner as the state printer, and enters upon the discharge of his duties at the same time. His duty is to bind the laws, journals, and such incidental printed matter as may be required for the use of the state. The work must be done in a neat and workmanlike manner, and to secure this, he is required to furnish a bond of not less than two thousand dollars. His salary depends upon the amount of work done, the prices of the different kinds of work being fixed by law.

Railroad Commissioners.—For many years, the railroad commissioners of the state were appointed by the governor, subject to approval by the executive council, but in 1888, the law was changed so as to provide for the election of one railroad commissioner at each general election for a term of three years. At least one of the three members of this board must be a civil engineer, and no person having a pecuniary interest in any railroad is eligible to the office of railroad commissioner.

Powers.—These commissioners have the general supervision of all railroads operated by steam in the state, and it is their duty to see that the laws governing railroad companies and employes are strictly complied with. The books of any railroad company, at any station or office, are open to inspection by this board, and any officer or agent may be examined under oath.

On or before the first day of December of each year, they report to the governor the work done by them during the past year, and make such recommendations in relation to their duties as they may think necessary.

Salary.—Each commissioner receives an annual salary of three thousand dollars, and the clerk, fifteen hundred dollars. To secure the faithful performance of his duties, each commissioner is required to give bonds to the amount of ten thousand dollars. Members of the board and the clerk are sworn to perform the duties devolving upon them to the best of their ability.

State Librarian.—The state librarian is appointed by the governor, and he is required to give his personal attention to the care of the state library during the time it is kept open. He is also required to keep a complete alphabetical catalogue of all books belonging to the library. He reports to the governor, at stated times, the number and title of all books in the library, the amount of all fines and forfeitures received, and such other information as may be required by law.

Bond, Etc.—His bond is fixed at five thousand dollars, and his salary at twelve hundred dollars a year. He may appoint a first assistant at a salary of six hundred dollars, a second assistant at five hundred dollars, and a messenger at three hundred dollars a year.

Qualification of Officers.—No civil officer can enter upon the discharge of his duties until he has qualified by taking an oath of office according to law. The governor and lieutenant-governor are required to take the official oath in the presence of the general assembly in joint convention. The oath is administered to them by a judge of

the supreme court. Members of the general assembly qualify by taking the oath prescribed for them in the third article of the constitution.

Oath.—In addition to the obligation to support the constitution of the United States and that of the state of Iowa, judges of the supreme and district courts must subscribe to an oath in writing, that they will administer justice to rich and poor alike, without fear, favor, affection, or hope of reward. The officers above mentioned, together with county supervisors and township trustees, are not required to give bonds.

Sureties.—All other civil officers are required to give sureties in double the amount to be secured. For example, if the bond is fixed at one thousand dollars, the signers must have property valued at two thousand dollars above all indebtedness. The amount of the bond required differs according to the responsibility of the office and the amount of money to be handled. The bond of the state treasurer cannot be less than three hundred thousand dollars, and is the heaviest one required.

Bonds Approved.—Bonds of state officers are fixed by law and approved by the governor, those of the county officers by the county supervisors. The township clerk approves the bonds of all township officers except his own and those of justices of the peace and constables. All officers are required to qualify before a stated time, usually the first Monday in January following their election, and a refusal to qualify within the time prescribed is considered a refusal to serve.

Reports.—Chapter 175, Laws of the Nineteenth General Assembly, requires a number of the state officers and



Library No. 3, State Capitol.

trustees of the various state institutions, except the Agricultural College, to report to the governor, on or before the fifteenth day of August, in each odd-numbered year, the condition of their respective offices and of the institutions under their control.

CHAPTER XVIII.

Commissioners and Societies.

In addition to the officers whose duties have already been discussed, there are several important commissions, societies, and boards authorized by law. The most important of these will now be considered briefly.

State Agricultural Society.—The state agricultural society was organized for the purpose of stimulating an interest in improved methods of farming and stock raising. There are one hundred and four local societies in Iowa, and delegates from these local organizations are chosen annually to attend a meeting of the state society for the purpose of choosing a president, vice-president, secretary, and treasurer, for one year, and a board of five directors to serve for two years, and for the transaction of other business in which the society may be interested. A state fair is held annually at DesMoines under the direction of this society, and the best products of the farm are there exhibited. Premiums for the best exhibits of all kinds are paid, aggregating twenty-five thousand dollars a year.

Dental Examiners.—The members of this board are five in number, one being appointed each year by the governor of the state, for a term of five years. All dentists doing business in the state are required to register with the board, and all persons commencing the practice of dentistry must possess a diploma from some reputable college of den-

tistry, or pass a satisfactory examination before this board and receive a license to practice in the state.

Board of Health.—The establishment of the board of health was for the purpose of making such regulations and investigations as it may from time to time deem necessary for the improvement or preservation of the public health. Valuable information designed to aid in preventing the spread of contagious diseases has been furnished in times past in the circulars and pamphlets sent out by this board, and as its work becomes better known, much good will result to the people.

How Composed.—The board is composed of nine members appointed by the governor, with the consent of the executive council, and must consist of the attorney general of the state, one civil engineer, and seven physicians. The term of office is seven years, and it is so arranged that the term of one of the physicians expires on the thirty-first day of January of each year. The board elects a president from its own membership. A secretary is also chosen at a salary of twelve hundred dollars a year. The regular members of the board are paid their actual expenses while serving in their official capacity, but they receive no salary.

Commissioners of Pharmacy.—The governor, with the approval of the executive council, appoints each year one of three commissioners of pharmacy, to serve for three years. The members of the board are selected from the most competent pharmacists in the state, and no person is eligible to membership unless he has been a resident of the state for five years, and been a practicing pharmacist for the same length of time.

Duties.—The special work of this board is to see that none but thoroughly competent persons are permitted to sell drugs and fill prescriptions of medicine. To accomplish this, all persons who desire to engage in the business of selling drugs or dispensing medicines within the state, must first obtain a certificate from the commissioners of pharmacy authorizing them as qualified persons to conduct such business. The examinations conducted by this board are very strict. The compensation consists of fees charged applicants for certificates, and it is carefully regulated by law.

Educational Board of Examiners.—The educational board of examiners is composed of the state superintendent of public instruction, the president of the state university, the president of the state normal school, and two other persons, appointed by the executive council for the period of four years. One of the persons appointed must be a woman, and no person is eligible to re-appointment. The superintendent of public instruction is, *ex-officio*, president of the board.

Examinations.—Frequent examinations are conducted for the benefit of those teachers who desire to obtain state certificates or state diplomas. Certificates issued by county superintendents are valid only in the counties in which they are issued. A state certificate issued by the board of examiners authorizes the person to whom it is issued to teach in any public school in the state for a term of five years, and a state diploma is valid during the life of the one to whom it is granted. The fee charged for examination for a state certificate is three dollars; that for a life diploma, five dollars. The members of the board appointed receive three dollars a day and expenses, during the time they are actually

employed in the discharge of their duties. All other members are allowed their actual expenses.

Historical Society.—This society was organized for the purpose of collecting and preserving everything of a historical nature, in connection with the state of Iowa. Books, pamphlets, maps, charts, manuscripts, and other material of a like character bearing upon the history, progress, and present condition of the state, are obtained from all sources possible, and arranged in suitable form for preservation. The collection made thus far is in the possession of the state university. The officers of the society consist of eighteen curators, nine being appointed by the governor in June of each even-numbered year, and nine chosen by the society from its own membership in June of each odd-numbered year. No officer or member of the society receives any compensation from the state for his services.

Horticultural Society.—The object of this society is to promote an interest in horticulture. It works in connection with the state agricultural society, and, owing to its efforts, an increased interest is shown in the raising of the various products of the garden. The sum of twenty-five hundred dollars a year is appropriated out of the state treasury for the benefit of this society.

Bureau of Labor Statistics.—The principal work of this bureau is performed by an officer called the commissioner of labor statistics. It is his duty to collect and arrange statistics designed to show the exact commercial, social, educational, and sanitary condition of the laboring classes of the state, and the changes that are being made in the condition of these classes, for better or worse. He is charged with the collection of information concerning the agricultural, manufacturing, and mining interests of the

state. It is also his duty to correspond with persons likely to be interested in the development of any of Iowa's resources, and to furnish such persons with any information they may desire concerning the products of the state. A biennial report of the work done by this bureau is required by law.

The commissioner is appointed by the governor for a term of two years, commencing on the first day of April in each even-numbered year. The salary is fifteen hundred dollars a year, with an allowance for the necessary postage, stationery, and expenses of the office.

Custodian of Public Property.—To this officer is entrusted the care of the capitol building and grounds. He is appointed by the governor, and his salary is fixed at fifteen hundred dollars a year.

Dairy Commissioner.—The state dairy commissioner is appointed by the governor for the term of two years, commencing on the first day of May of each even-numbered year. His salary is fixed at fifteen hundred dollars a year and actual expenses, and his bond at ten thousand dollars. The office was established to aid in abolishing the manufacture and sale of imitations of dairy products, or at least to compel manufacturers and dealers in the spurious articles to label them properly, and sell them as imitations under the names by which they are commonly known. The commissioner must be a person who has had practical experience in the manufacture of dairy products. He is furnished an office at DesMoines, and to enable him to perform all the duties required of him, an appropriation of twenty thousand dollars, or so much thereof as may be necessary, is made biennially.

Inspector of Illuminating Oils.—The governor, with the advice and consent of the senate, appoints a state

inspector of illuminating oils, biennially. The term of office begins on the first day of April of each even-numbered year. It is the duty of this officer to test all the illuminating oils made from petroleum, and designed to be sold for use in this state. All oils that are not properly refined, and those that for any cause will emit a combustible vapor at a lower temperature than one hundred and five degrees Fahrenheit are rejected by the inspector, and severe penalties are provided for the punishment of any person who may be guilty of selling, or offering for sale, any oil so rejected.

Duties, Etc.—Every barrel or cask inspected is properly labeled or branded and the inspector's name signed. The number of degrees at which combustible vapor is generated is also recorded on the barrel or cask. The salary is two thousand dollars a year and actual expenses. The salary of each deputy consists of fees, and can not exceed one hundred dollars a month. The inspector may appoint as many deputies as may be necessary to enable him to perform the duties of his office. The bond of the inspector is fixed at twenty thousand dollars, and that of each deputy at five thousand dollars.

Fish Commissioner.—For the purpose of keeping the rivers and lakes of Iowa stocked with fish, provision has been made for a fish hatching house, at Spirit Lake, owned by the state, and from which small fish in vast numbers are distributed annually. The fish commissioner has charge of this hatching house, and also of the erection of fish ways, by means of which fish may pass up, down, or through the water courses of any of the rivers and lakes of Iowa. It is also his duty to see that the law to prevent the catching of fish at certain seasons of the year is complied with. His salary is twelve hundred dollars a year.

OUTLINE FOR REVIEW OF STATE OFFICERS.

OFFICERS.	Present Incumbent.	How Chosen.	When Chosen.	Term.	Duties.	Bond.	Salary.
Governor							
Lieut.-Governor							
Secretary							
Auditor							
Treasurer							
Executive Council							
Supt. Pub. Instruction							
Atty -General							
Adjutant-General							
R. R. Commissioners							
State Printer							
State Binder							
Librarian							
Mine Inspectors							
Fish Commissioner							
Dairy Commissioner							
Com. of Immigration							
Cust'n of Pub. Prop'ty							
Inspector of Oils							



High School Building, Marshalltown.

CHAPTER XIX.

JUDICIAL DEPARTMENT.

ARTICLE V.

Courts.—The judicial department consists of the supreme and district courts, both of which are authorized by the constitution. Several inferior courts have been established by law, and a discussion of these will be found elsewhere. The supreme court at first consisted of three members, but the number has since been increased to six, four of whom constitute a quorum to hold court.

Supreme Court.—The term of office of judges of the supreme court is six years, and hereafter one judge will be chosen at the general election each year. The six judges join in the open session of the court, and in all other court duties, but in the preliminary examination of cases submitted to them, they are separated into two sections of three each. No case is decided by this court until it has been considered by the entire court and a decision agreed upon by at least four members. The salary of each judge of the supreme court is four thousand dollars a year.

Meetings.—The meetings of the supreme court are held at the capital in a room known as the supreme court room. Three sessions of the court are held each year, the first commencing on the third Tuesday in January, the second, on the second Tuesday in May, and the third, on the first Tuesday in October. During the time the court is not in session, the members are engaged in examining the evidence in cases that have been appealed from lower courts.

Powers.—The supreme court has the sole power of determining whether any law passed by the general assembly is constitutional or not. If any provision of the constitution of the state is violated by the terms of a law, that law is unconstitutional, and when so declared by the supreme court, it is no longer considered a law of the state.

This court also decides whether, or not, certain cases appealed to it have been properly tried in the lower court. If a majority of the members of the supreme court vote in favor of sustaining the decision made by the district court, the decision is said to be affirmed. If, however, the majority vote against the decision of the lower court, the decision is reversed.

Chief Justice.—The judge having the shortest term to serve acts as chief justice. From this it will be seen that each member of the supreme court is chief justice during the last year of his term. Judges of this court are ineligible to any other office in this state during the term for which they have been elected.

The supreme court is a tribunal for the interpretation of law and the correction of errors made by judges of the lower courts. It has appellate jurisdiction in cases of chancery only. In addition to the above-mentioned powers, this court has the general supervision of all the lower courts.

Clerk and Reporter.—The clerk of the supreme court has charge of all decisions made by the court. His duties are such as are indicated by his title. He is placed under bonds to the amount of not less than ten thousand dollars, and for his services he receives twenty-two hundred dollars per year. He is allowed to appoint a deputy, who is paid fifteen hundred dollars per year. The next

election of clerk and reporter of the supreme court occurs in the year 1898. Their term of office is four years.

The supreme court reporter has charge of publishing the decisions of the court in reports of from seven hundred fifty to eight hundred pages each. These reports are copyrighted in the name of the state, and the reporter is forbidden to have any pecuniary interest in them. Salary, two thousand dollars per year, payable quarterly.

District Court.—The district court now has general original jurisdiction in all suits at law, both civil and criminal, except those in which exclusive or concurrent jurisdiction is given to some other court specially authorized by the constitution and laws of the state. It is also a court of equity. As a court of probate, it has exclusive original jurisdiction in the proving of wills, and in the appointments of administrators, guardians, and trustees to settle the estates of persons deceased. This court also serves as a court of appeals in certain proceedings from justice and police courts.

District Judges. — Iowa is separated into nineteen judicial districts, and there are in all fifty district judges. Each district has from one to four judges, according to the amount of business to be transacted. The compensation of each district judge is twenty-five hundred dollars a year, which is paid in monthly installments out of the state treasury. The term of office is four years, beginning on the first of January following the election. Judges are chosen at the general election by the qualified voters of the district in which they reside. A list of the judicial districts will be found at the close of Part I. of this volume.

CHAPTER XX.

JUDICIAL DEPARTMENT.—CONTINUED.

District Court Powers.—In addition to the regular judicial business of this court, it has the general supervision of all inferior courts, and provides for the correction of abuses, in case no special remedy is fixed by law. It also has exclusive jurisdiction over all indictments presented by the grand jury.

Indictment.—An indictment is a written accusation presented to the court in which the grand jury is impaneled, charging the person named therein with the violation of the criminal law, or with the commission of some act which is punishable on indictment. Such an accusation can be made only upon the sworn statement of witnesses examined by the grand jury. or by evidence furnished by certain legal documents, as provided by law.

Jurors.—All qualified electors of the state, of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, read, and write the English language, are competent jurors in their respective counties. There are certain exceptions, however. All persons holding office under the laws of the United States, or of this state, all practicing attorneys, physicians, and clergymen, all practicing professors or teachers in any institution of learning, registered pharmacists, and all persons disabled by bodily infirmity, or over

sixty-five years of age, are exempt from liability to act as jurors. Any person summoned as a juror may be excused from serving for good cause shown.

Grand Jury.—The grand jury of any county serves as an investigator of crimes committed in that county. It has no power to try criminals and fix the punishment for crimes committed. Real or alleged violations of the criminal laws of the state are reported to the grand jury, and if the evidence against any person is such as to indicate that he has committed a crime, the grand jury prefers an indictment against him. He is then arrested, if possible, and held for trial before the petit jury.

Number of Jurors.—In counties having a population of sixteen thousand, or less, the grand jury consists of five persons. In all other counties, there are seven members of the grand jury. It is further provided that when the grand jury consists of five members, eight shall be drawn, and when composed of seven members, twelve shall be chosen. This is to provide jurymen enough in case some are unable to attend on account of sickness, or for any other good reason are excused.

Petit Jury.—In counties having a population of fifteen thousand, or less, the number of petit jurors drawn is fifteen, unless the judge otherwise directs. In counties having a greater population, the number of petit jurors is twenty-four. Twelve of these are selected as a trial jury, unless objections are raised against them by one or both parties to the suit. A trial jury always consists of twelve members in the district court, and provision is made for increasing the number of persons from whom the jurors may be selected, if necessary.

Selection of Jurors.—The method of selecting grand and petit jurors is practically the same. Every third year the assessor of each township is required to prepare a list of the names of all persons in the township who are not exempt from jury service. One copy of this list is filed with the township clerk, and another with the county auditor.

The county auditor, clerk of the district court, and county recorder are entrusted with the care of selecting jurors. They are authorized to strike from the list of jurors returned the names of any who are by law exempt. A complete list of the names of all persons subject to jury service is made by these officers, and the names and addresses of all persons on the list are written on separate ballots. These ballots are all put into a box, sealed, and delivered to the clerk of the district court, except that in arranging the list of jurors from the city or town in which the court is held, every alternate ballot is put into a different box from the one containing the regular list.

Talesmen.—This second box is called the talesman box, and in case it becomes necessary to go outside the regular list of jurors chosen for any term of court, selections are made from this box. The drawing of jurors is intended to be entirely impartial, and as names are drawn from either of the boxes referred to, they are put away for safe keeping, and not returned to the original boxes until all the other ballots have been drawn out. This prevents a person from being chosen for jury service too frequently. The sheriff summons the persons whose names have been drawn, and they must appear for duty at the next term of court unless excused by the judge.

Compensation.—At the close of each term of court, the clerk of the court issues a certificate to each juror,

showing the amount to which he is entitled for his services, and the auditor, upon the receipt of this certificate, is authorized to issue a warrant upon the county treasurer, without waiting for the board of supervisors to audit the claim. The compensation of grand and petit jurors is two dollars a day, for the time actually employed, and ten cents a mile for the necessary distance traveled in going to the place of meeting. Witnesses are paid one dollar and twenty-five cents a day, and the same mileage as jurors, for attendance upon sessions of the district court.

Testimony.—The testimony given by witnesses in district courts is usually taken in short-hand by reporters appointed for that purpose. Each reporter is allowed compensation not to exceed six dollars a day for the time actually spent in attendance upon court. He is also allowed six cents for every one hundred words used in making transcripts of the testimony taken in court.

Superior Courts. — Cities having a population of seven thousand and upwards may establish courts, known as superior courts. These courts have in general the same jurisdiction as the district courts of the state, but they are limited to the cities in which they are established. Superior courts have not been popular, and Cedar Rapids, Keokuk, and Council Bluffs are the only cities that now maintain them.

CHAPTER XXI.

MISCELLANEOUS.

Article VI.—Militia.

Iowa National Guards.—All able-bodied male citizens of the state, between the ages of eighteen and forty-five years, except such as have served in the United States service and been honorably discharged, compose the militia. The general assembly has at different times passed such laws for arming, equipping, and training the militia, as have been necessary to comply with the regulations adopted by congress. At present, an annual appropriation of twenty thousand dollars is made to cover these and other expenses. All commissioned officers are elected by those subject to military duty, and commissioned by the governor.

Organization.—The governor is commander-in-chief of the militia, and may call it out at any time when the public safety requires it. His powers are limited to this state only, and he cannot send a member out of the state against his will. Practically, the militia is unorganized, only a small portion being trained and equipped for duty. There are but two brigades of volunteers, numbering in all about twenty-three hundred men, known as the "Iowa National Guards."

Article VII.—State Debts.

Prohibition.—This article provides that the credit of the state cannot, in any manner, be given, or loaned, to any

individual, association, or corporation, and the debts of individuals, associations, or corporations, cannot be assumed by the state, unless they were incurred for the benefit of the state in time of war.

Limit of Debt.—The state may contract debts not to exceed two hundred and fifty thousand dollars to supply deficits in revenue, or to meet expenses not otherwise provided for. Money borrowed on the credit of the state must be used for no other purpose than that for which it was obtained.

Losses.—All losses to the permanent school or university fund which have been caused by defalcation or mismanagement, are audited by the proper authorities and form a permanent funded debt against the state for the benefit of the fund that has sustained the loss. Indebtedness created in this way does not form a part of that to which reference is made in the preceding paragraph.

War.—The state may also contract debts for its defense in time of war, insurrection, or invasion. During the late civil war, debts to the amount of three hundred and fifty thousand dollars were contracted in accordance with section four of this article, but they have all been paid, and the state is now practically out of debt.

Special Debts.—Certain other debts may be authorized by special act of the general assembly, but no law of this kind can take effect until it has been ratified by a majority vote of the people at a general election. After such a law has been approved by the people, the general assembly may repeal it, provided no debt has been created in the meantime, for the purpose for which the law was passed.

Every law that imposes, continues, or revives a tax must state the object to which the tax is to be applied.

Article VIII.—Corporations.

Restrictions.—A corporation is an association of persons for the transaction of business under one firm name, or as a single person. Such associations are usually governed by a charter, the provisions of which define their powers and limit their responsibilities. This section provides that no corporation can be formed by special law, but the general assembly may, by general enactment, provide for the organization of various corporations. The state cannot become a stockholder in any organization of this character, and no liabilities can be assumed by the state, unless they were contracted in time of war. The property of all corporations for pecuniary use is subject to taxation the same as that of private citizens.

Banking.—It is expressly provided that no political or municipal corporation can in any way become a stockholder in any banking corporation, and no association of persons with banking powers can be formed until the law authorizing its establishment has been ratified by a majority vote of the people at an election held at least three months after its enactment. The remainder of the section is devoted to the discussion of certain provisions relating to banks and banking corporations.

Article IX.—Education.

Article Partly Abolished.—This article of the constitution provided that the board of education established by it might be abolished by act of the general assembly at any time after the year 1863. Such an act was passed the very next year, and the first part of this article has been of

no effect since that time. The state departmen of education, under the direction of the superintendent of public instruction, has taken the place of the board of education. Several attempts have been made to revive this article of the constitution, but without success.

School Funds and School Lands.—The second division of this article places the school funds and school lands under the control of the general assembly. The proceeds arising from the rent or sale of the university lands constitute a fund for the use of the state university, and the interest arising from this fund is annually appropriated for the support and benefit of that institution. A history of the university will be found in the chapter entitled "State Institutions."

School Fund.—By section three, very liberal appropriations are made for the benefit of the common schools. The general assembly is instructed to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The different sources from which the permanent school fund is derived, have been mentioned in another part of this volume. The money paid by persons for exemption from military duty, and the net proceeds of all fines collected in the several counties for any violation of the penal laws of the state, are applied for the benefit of the common schools in the counties in which the money is collected. All fines and forfeitures of this kind are distributed among the different school districts according to the number of persons of school age, to be used for the support of the schools, or the establishment of libraries.

The financial agents of all school funds are the same as those authorized by law to receive and control the revenue

of the state and of the different counties. The distribution of all money, except what is raised by direct tax, for the support of the common schools is made in proportion to the number of persons between the ages of five and twenty-one years.

CHAPTER XXII

ARTICLE X.—AMENDMENTS.

Manner of Amending.—It is evident that no constitution can be prepared to meet the wants of all future times and generations. The best governments on earth are imperfect, and require alterations from time to time. All constitutions provide for their own amendment, but the process differs in different states. The process of amending the constitution of this state is quite lengthy, but it insures the people against hasty action. An amendment may be proposed in either house of the general assembly, and, if a majority of all the members of each house favor it, it is entered upon both journals with the yeas and nays, and referred to the next general assembly at its regular session. The amendment, as adopted by the first general assembly to which it was submitted, is published in the papers designated by law, for three months previous to the election of members of the next general assembly. If ratified by a majority of the second general assembly, the proposition is then referred to the electors of the state, and if a majority of the votes cast are in favor of it, it becomes a part of the law of the state.

Amendments Adopted.—The first amendment extended the right of suffrage by striking the word "white" from articles two, three, and six of the constitution. The second, or prohibitory amendment, was ratified by the people at a special election on the 27th of June, 1882, but it

was declared unconstitutional by the supreme court. In November, 1884, four amendments were ratified by the people. The first changed the time of holding all general elections to the Tuesday next after the first Monday in November. The second gave the general assembly power to change the organization of the state for district court purposes. The third provided for abolishing the grand jury, or changing the number of members of that body to not less than five, nor more than fifteen, according to the decision of the general assembly. The fourth amended section thirteen of article five of the constitution, so as to abolish the office of district attorney and provide for the election of a county attorney in each county.

ARTICLE XI.—Miscellaneous.

Justices of the Peace.—Section one provides that the jurisdiction of justices of the peace shall extend to all civil cases (except chancery cases and real estate titles), where the amount does not exceed one hundred dollars. By the consent of both parties, the jurisdiction may be extended to any amount not exceeding three hundred dollars.

New Counties.—The second section declares that no new county, containing less than four hundred and thirty-two square miles, can be created. The territory of any organized county cannot be reduced below that size. Provision is made for the organization of Worth and other counties lying to the west of it along the northern boundary of the state, without additional territory. An act of the general assembly passed in January, 1870, erected the county of Crocker from the northern three tiers of townships in Kossuth county, but the supreme court declared the act unconstitutional in December of the following year.

Limit of Indebtedness. — Section three provides that no county, or other political or municipal corporation, can become indebted in any manner, or for any purpose, to exceed the amount of five per cent. of the value of its taxable property. The value of the property of the county or other corporation is determined by the last state and county tax-lists previous to the time the debt was incurred.

Area.—The next section provides that the boundaries of the state may be enlarged, with the consent of congress and the general assembly. According to the latest surveys, the area of the state comprises fifty-six thousand and twenty-five square miles. There are ninety-nine counties, and all but twenty-seven of them have been organized since the state was admitted into the Union, as stated elsewhere.

Oath of Office.—Section five is as follows: "Every person, elected or appointed to any office, shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office." The form of the oath is given elsewhere. The sixth section provides that persons elected to fill vacancies in office shall serve for the remainder of the unexpired term only, and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

Capital, etc.—The seventh section prohibits the general assembly from locating any of the public lands which have been, or may be granted by congress to this state, upon lands actually settled, without the consent of the occupant. The last section establishes the seat of government permanently at Des Moines, in the county of Polk, and the State University at Iowa City, in Johnson county.

ARTICLE XII —SCHEDULE.

Supreme Law.—The constitution is declared to be the supreme law of the state, and any law inconsistent with it shall be void. The general assembly was authorized to pass all laws necessary to carry the constitution into effect. All laws that were in force at the time the constitution was adopted, and not inconsistent with it, were to remain in force until they expired or were repealed.

All proceedings of any character pending in the courts at the time the constitution was adopted, were to be prosecuted to final judgment and execution, and all offenses, misdemeanors, and crimes that were committed before the adoption of the constitution were to be subject to indictment, trial, and punishment in the same manner as they would have been, if the constitution had not been adopted

Fines and Forfeitures.—All fines, penalties, or forfeitures due, or to become due, to the state, or to any county, or to the school fund, were reserved to the fund for which they were intended, in the manner prescribed by law All bonds executed to the state, or to any officer in his official capacity, were to inure to the use of those to whom they were given.

General Provisions.—Sections six to eleven inclusive, contain provisions for the election of officers under the new constitution, and for the continuance in office of those chosen prior to its adoption. Section twelve authorized the general assembly to divide the state into eleven judicial districts, for district court purposes, and also to provide for the apportionment of members of the general assembly in accordance with the provisions of the new constitution.



High School Building, West Des Moines.

Adoption of Constitution.—Section thirteen prescribes the plan to be pursued by the people in voting for or against the adoption of the new constitution. The last clause of the section is, "And if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation."

The fourteenth section provides for submitting to the people at the same election that the constitution is submitted, a proposition to amend the same by striking out the word "white" from the article on the right of suffrage.

The election was held August 3, 1857, and a majority of the votes cast was found to be in favor of the adoption of the constitution. The proposed amendment was defeated at this time, but, as stated in another place, it was adopted in 1868. The last section made the county of Mills a part of the sixth judicial district, until otherwise directed by law.

CHAPTER XXIII.

HISTORY OF IOWA.

Discovery.—The discovery of Iowa was made by two Frenchmen, James Marquette and Louis Joliette, in 1673. Iowa is an Indian name which means "The Beautiful Land," and the state seems to have been properly named. France laid claim to the territory along the Mississippi river, on account of the so-called right of discovery, and, for ninety years, Iowa belonged to France. In 1763 the French king ceded his possessions in the Mississippi valley to Spain, but Napoleon compelled that nation to make a secret cession of this territory to him, in 1801. In 1803, the United States bought from Napoleon the tract of land known as the Louisiana Purchase, for fifteen million dollars. The tract contained about a million square miles, and the purchase price amounted to less than two and one-half cents per acre.

Settlement.—In 1788, Julien Dubuque obtained permission from three chiefs of the Sacs and Foxes to dig for lead ore on the west bank of the Mississippi. The same year, he staked out a claim containing nearly two hundred square miles, and opened several mines which he continued to work for more than twenty years. Dubuque, with his ten associates, formed the first settlement made by the whites in Iowa, and the city and county of Dubuque were named in his honor. Other Frenchmen settled along the Mississippi north of Dubuque, about the beginning of the present century, but the settlements were very feeble.

History of Territory.—In 1804, the Louisiana Purchase was divided by the thirty-third parallel of north latitude, the southern part to be known as the territory of Orleans, the northern part, as the district of Louisiana. The district of Louisiana, embracing the present states of Arkansas, Missouri, Iowa, and Minnesota, and the unexplored regions westward to the Rocky Mountains, was attached to Indiana, with William Henry Harrison for first governor. Eight years later, Iowa was organized as a part of the territory of Missouri. In 1821, when Missouri was admitted into the Union as a state, Iowa was left out in the cold, politically, and no provision was made for the remainder of the Louisiana Purchase until 1834, when it became a part of the territory of Michigan. This connection lasted but a short time, however, for two years later, Iowa became a part of the territory of Wisconsin, then formed.

Iowa Territory.—In 1838, that part of the territory of Wisconsin lying west of the Mississippi was organized as the territory of Iowa, and Robert Lucas, of Ohio, was appointed first governor. Under his direction, the first census was taken, members of the legislature were chosen, and civil government in Iowa was begun. The act of congress that provided for the organization of this territory gave the governor full power to veto any and all acts of the legislature.

Constitutional Convention.—In 1840, and again in 1842, attempts were made to call a convention to draft a state constitution, but without success In 1844, however, a convention called for this purpose, met in Iowa City, and drafted a constitution, which prescribed boundaries differing very much from the present boundaries of Iowa. Within these limits was included a large part of what is now Minne-

sota, as well as all of Iowa, except a small portion of the northwestern part of the state, embracing the counties of Lyon, Osceola, and Sioux, and parts of three or four adjoining counties.

Admission Into the Union.—These boundaries proved to be unsatisfactory to congress, and new ones were proposed by that body. The meridian of 17° 30′ west from Washington was to be the western boundary, and the northern boundary was changed so as to limit the state in that direction also. In April, 1845, this constitution, owing to the dissatisfaction with regard to boundaries, was rejected by the people. After another unsuccessful attempt in the following year, a constitution with the present boundaries, which had been proposed by congress, was adopted August 3, 1846, and December 28, of the same year, Iowa, the twenty-ninth state, was admitted into the Union.

Early Settlers.—Reference has already been made to the early settlements in Iowa. The permanent settlement of the state did not begin until after the close of the Black Hawk war, in 1832. In June of the next year, people from Illinois, Wisconsin, and Michigan pushed across the Mississippi, and staked out claims at Fort Madison, Burlington, Davenport, and several other places along the river.

A noted author, in speaking of these settlers, says: "The pioneers of Iowa, as a class, were a brave, hardy, intelligent and enterprising people. Among those who have pioneered the civilization of the West, and been founders of great states, none have ranked higher in the scale of intelligence and moral worth than the pioneers of Iowa who came to the territory when it was still an Indian country, and through hardship, privation, and suffering, laid the founda-

tions of this great and prosperous commonwealth, which to-day dispenses her blessings to more than a million and a half of people. In all the professions, arts, industries, and enterprises which go to make up a great and prosperous people, Iowa has taken and holds a front rank among her sister states of the West."

Indian Claims. — The territory obtained from the Indians by the Black Hawk Purchase extended along the Mississippi from the northern boundary of Missouri to the mouth of the Upper Iowa river. The strip averaged about fifty miles in width, and contained nearly six million acres, or about one-sixth of the present area of Iowa.

Half-Breed Tract.—In a former treaty with the Sac and Fox Indians, a valuable tract of land, containing nearly one hundred and thirteen thousand acres, was reserved for the half-breeds of these tribes. This land was situated in what was afterwards the southern part of Lee county. The covetous eyes of land speculators were soon turned towards this reservation, and companies were formed for the purpose of purchasing the rights of the half-breeds to the soil. As might have been expected, conflicting claims arose, and several years were spent in litigation. At last, the supreme court appointed commissioners to settle the vexing question. These men divided the tract into one hundred and one shares, and the titles granted by them were afterwards declared valid by the courts.

In 1842, the government made another treaty with the Sacs and Foxes, and by its terms gained possession of the remainder of the lands belonging to those tribes in Iowa. The Indians were to retain possession of the land till the first of May, 1843. This region had been thoroughly explored by the whites, but the United States authorities had

prevented any settlements from being made. As the time for the opening of the land to settlers drew near, hundreds of families encamped along the line, and by sundown of the first of May, over one thousand families had settled in this new territory. These settlers were simply squatters, for the lands occupied by them had never been surveyed, and still belonged to the general government.

Land Sale.—Under the laws of the United States then in force, all lands subject to settlement were to be offered at public sale and sold to the highest responsible bidder. If the land could not be sold for want of bidders, actual settlers acquired the right to enter it at the minimum price of a dollar and a quarter per acre. Many old settlers of Iowa are now living upon the land which they occupied before the land sale, as it was called.

Growth.—When Iowa was admitted into the Union, there were twenty-seven organized counties, but immigration had been so rapid that many of the one hundred thousand settlers had founded homes for themselves, even before the lands were surveyed or the counties organized.

Capitals.—The first session of the legislature of the territory of Iowa convened at Burlington, in 1839. Nearly all of its meetings were held in the M. E. church of that place. In the early part of the session, three commissioners were appointed to select a site for a permanent seat of government within the limits of Johnson county. The commissioners selected a section of land, caused it to be surveyed into town lots, and in accordance with an act of the legislature, named the place Iowa City. Work on the public buildings was begun at once, and on July 4, 1840, Gov. Lucas reported to the legislature that the foundation of the capitol was nearly completed.

Monroe City.—At the first session of the state legislature, it was decided that Iowa City was too near the eastern boundary of the state for a permanent seat of government. It was accordingly determined to re-locate the capital at some point nearer the geographical center of the state. The commissioners appointed to select the new site chose five sections of land in the southwestern part of Jasper county, and called the town which they laid out, Monroe City. The public buildings at Iowa City were to be given to the State University, which had been established the year before.

Des Moines.—But Monroe City did not thrive, and the legislature continued to meet at Iowa City. In 1855, an act was passed removing the capital to Des Moines, and, three years later, the legislature began its work at that place. In a few years the capitol building was found to be inadequate to the wants of the growing state, and, in 1870, the sum of one hundred and fifty thousand dollars was appropriated for a new building. Other appropriations amounting to more than two and one-half million dollars have since been made, and the new capitol is now completed. It is a magnificent building and the pride of the people of the entire state of Iowa.

CHAPTER XXIV.

STATE INSTITUTIONS.

State University.—Iowa has been very liberal in establishing the higher institutions of learning, and in providing for the unfortunate of all classes. The state university is authorized by the constitution, and permanently located at Iowa City, in Johnson county. The other institutions have been established by acts of the general assembly passed at different times in our history.

Purpose.—The state university was established for the purpose of furnishing young men and women the best means of obtaining a liberal education. In order to foster higher education, congress, before Iowa was admitted into the Union, passed a law granting to new states two townships of land to aid in establishing a state university in each. When this land was sold, the money received became a permanent fund for the benefit of the university. This money is permanently invested, and the interest on it is used for the support of the institution.

Courses of Study.—The university has five departments—collegiate, law, medical, dental, and pharmaceutical. The collegiate department provides four courses of study—classical, philosophical, scientific, and engineering. A normal course for the training of teachers is also supported. These courses are prepared with a view to meeting the wants of all who apply for admission as students, and who are

qualified to carry on the work. There are about a thousand students in attendance.

Board of Regents.—The university is governed by a board of regents, and it can never be under the exclusive control of any religious denomination. The board of regents consists of the governor of the state, who is president of the board, the superintendent of public instruction, and one member from each congressional district. The first two are members by virtue of the offices held by them, and the others are elected by the general assembly, in joint convention, for six years, one-third, as nearly as possible, being chosen at each regular session.

Agricultural College.—The agricultural college and farm were provided for by the general assembly in 1858. Commissioners were soon afterwards appointed, and the site for the college was located at Ames, in Story county. In 1862, congress passed a law granting to each state thirty thousand acres for each senator and representative the state had in congress. According to the provisions of this law, the agricultural college of Iowa received two hundred and forty thousand acres. This land was sold in after years, and the interest on the money received from the sale of it is used for the benefit of the school. The law of congress requires that the buildings must be erected and kept in repair at the expense of the state.

Purpose.—The purpose of the school is to furnish instruction in the branches of study relating to agriculture and the mechanic arts, without excluding other classical and scientific studies. The courses provide for the systematic study of agriculture and dairying, veterinary science, civil, mechanical, and electrical engineering, and a four years' course for ladies. The tuition is free to all inhabitants of

the state over sixteen years of age. The farm is an excellent one, and consists of nearly nine hundred acres of land specially suited to the needs of the school. An experiment station is maintained at the expense of the state.

Board of Trustees.—The management of the college is placed in the hands of a board of trustees of eleven members, one from each congressional district. The trustees are chosen by the general assembly in joint convention. They are divided into three classes as nearly equal as possible, and their term of office is six years.

The State Normal School.—The state normal school was established by the general assembly in March, 1876, and the school was formally opened the following September. The buildings and grounds were the property of the state, they having been provided for the use of the soldiers' orphans' home some years before. The object of the school is to provide for the special instruction and training of teachers for the common schools of the state.

Purpose.—The course of study embraces literature, mathematics, history, the elements of the sciences, and didactics. A preparatory department has recently been established. How to teach each branch of study pursued is made a prominent feature in all the work of the school. This institution is in a very flourishing condition, and its influence is being felt in raising the standard of educational work in the state. There are now about seven hundred students in attendance.

Courses of Study.—Four courses of study are now provided. The scientific course of four years is designed to prepare students for life diplomas. The didactic course of three years includes all the branches upon which appli-



High School Building, Sioux City.

cants are examined for state certificates. There are also special courses for college and high school graduates who desire to study the science and art of teaching. A contingent fee amounting to ten dollars a year is charged all students who intend to teach on leaving the school. There is no regular charge for tuition except to those who do not intend to teach.

Board of Directors.—The school is managed by a board of six directors, two being chosen at each regular session of the general assembly in joint convention, for a term of six years. The superintendent of public instruction is, *ex-officio*, president of the board of directors.

College for the Blind.—This college was opened for the reception of pupils at Iowa City, April 4, 1853. Five years later, the board of trustees met at Vinton, Benton county, and, in accordance with law, began the erection of a suitable building in that place. In 1862, the building was so far completed, that the school, consisting of about forty pupils, was opened in it. The institution is under the management of a board of trustees six in number, three of whom are elected at each regular session of the general assembly for a term of four years.

Admission.—All blind persons of suitable age, residents of the state, may receive an education here free of charge, and residents of other states may be admitted upon the payment of their estimated expenses, quarterly in advance. No person from another state will be received to the exclusion of any resident of Iowa.

Course of Instruction.—The course of study includes all the common branches and many others usually taught only in the best high schools. Music receives spe-

cial attention, and musical instruments of all kinds have been provided for the instruction or amusement of the pupils. The girls are taught to sew, knit, crochet, weave, and to do many other useful things. The boys are taught to make brooms, weave carpets, and to do such other work as will enable them to be self-supporting.

Industrial Home for the Blind.—In 1890 the general assembly provided for an industrial home for adult blind people of the state to enable them to earn their living. The home is located at Knoxville, Marion county. It is under the direction of a board of trustees consisting of six members, two being chosen at each session of the general assembly for a term of six years.

Iowa School for the Deaf.—The institution for the deaf and dumb was established at Iowa City, in 1853, permanently located at Council Bluffs, July 4, 1866, and removed to that place in 1871. Every deaf and dumb child in the state, of suitable age, is entitled to an education in this school, at the expense of the state. The instruction given is of a very practical nature, and the course of study embraces those branches that will be of the greatest benefit to the pupils.

Board of Trustees.—There are several work-shops connected with the institution, and its inmates are allowed to learn any of the trades represented. The trustees are elected by the general assembly, in joint convention, for six years, one at each regular session. The name of the institution was changed to "The Iowa School for the Deaf," in 1892.

Soldiers' Orphans' Home.—To Mrs. Annie Wittenmeyer belongs the credit of securing a home for the soldiers'

orphans of Iowa. In October, 1863, a convention was called to meet at Muscatine for the purpose of devising some means for the support and education of these children. An association was formed and plans were perfected for soliciting contributions. A building at Lawrence, Van Buren county, was leased, and twenty-one orphans were admitted in July, 1864. The home was sustained by contributions until 1866, when the state assumed control of it.

Trustees.—For a time, there was a soldiers' orphans' home at each of the following places: Cedar Falls, Black Hawk county, Glenwood, Mills county, and Davenport, Scott county. Only the one at Davenport has been retained, the building at Glenwood having been converted to the use of the Institution for the Feeble-Minded, and the one at Cedar Falls to the use of the State Normal School. There are three trustees, one being chosen at each session of the general assembly for a term of six years.

Hospitals for the Insane.—The first hospital for the insane, in Iowa, was authorized by the general assembly in 1855, but it was not ready for use until six years later. It is located at Mt. Pleasant, Henry county. The second hospital for the insane was located at Independence, Buchanan county, in 1868, the third, at Clarinda, Page county, in 1884, and the site for the fourth has been procured at Cherokee, Cherokee county.

Board of Commissioners.—In each county, there is a board of commissioners of insanity consisting of the clerk of the district court, and two others, who are appointed by the judge of the district court, one of whom must be a practicing lawyer, and the other, a practicing physician. All applications for the admission of insane persons to the hospitals must be made to these commissioners. After the

person supposed to be insane is examined in the manner prescribed by law, the commissioners decide whether he shall be sent to the hospital, or not. The board and other expenses of the insane, are paid from the receipts of a tax levied for this purpose, by the supervisors of the respective counties.

Trustees.—Each hospital for the insane is managed by a board of trustees consisting of five members. Two of the trustees are chosen at one session of the general assembly, and three at the next session. The term of each is four years.

Institution for Feeble-Minded Children.—In the words of the statute, "The purposes of this institution are to train, instruct, support, and care for feeble-minded children." It is located at Glenwood, Mills county. The management is in the hands of a superintendent, who is appointed by the board of trustees. He gives bonds for the faithful performance of his duties, in such a sum, as the trustees may direct. Every resident of the state, between the ages of five and eighteen years, who, by reason of deficient intellect, is rendered unable to acquire an education in the common schools, is entitled to the advantages offered by this institution, free of charge.

Management.—The term "feeble-minded" is intended to include idiotic children, and a separate department is provided for those who cannot be benefited by educational training. Any inmate of the institution may be returned to the parent or guardian whenever the trustees may direct. The trustees are three in number, and they are chosen by the general assembly, one at each regular session for a term of six years.

Iowa Industrial School.—The first school of this kind in Iowa was established in Lee county, in March, 1868, and in October of the same year, the first inmate was received. In 1873, the school was removed to Eldora, Hardin county, and some time after, 1880, a law was passed removing the girls to a separate school at Mitchellville, Polk county.

Purpose.—These schools are intended for the reformation of such boys and girls under eighteen years of age as may be committed to them. Any person under sixteen years of age, who is found to be guilty of any crime except murder, may be sent to this school upon the order of the judge of the court in which he was convicted.

Management.—Instruction is given in ethics, and in such of the common school branches as the trustees prescribe. Each pupil is required to perform a certain amount of labor, which is varied according to his age, strength, and special ability. With the consent of the parents or guardians, pupils may be bound out to service until the time of their majority. The trustees, in whose care the schools are placed, are elected by the general assembly, in joint convention, for a term of six years, one-third, as nearly as possible, being chosen at each session. They are five in number, and both schools are under the control of the same board.

Penitentiaries.—In addition to the institutions already mentioned, the state has been obliged to make provisions for restraining criminals, and especially those guilty of felony. Public offenses are of two kinds, felonies and misdemeanors. A felony is a crime which is punishable by imprisonment in the penitentiary. All other crimes are misdemeanors. The first steps towards establishing a penitentiary were taken by the territorial legislature, in 1839.

Directors were appointed to superintendent the construction of the building which was to be located at Ft. Madison, Lee county. An additional penitentiary was established at Anamosa, Jones county, by the Fourteenth General Assembly. In May, 1873, twenty convicts were transferred from the penitentiary at Ft. Madison to the new one at Anamosa.

The building at the latter place is of stone, and much of the work of quarrying, as well as building was done by the convicts themselves. The discipline is rigid, but humane. The convicts learn various trades, the work being done within the penitentiary with machines and tools belonging to the state. The labor of the convicts at Ft. Madison is sold to contractors. The penitentiary at Anamosa is used by the United States as a government prison.

All female convicts in the state are sentenced to the Anamosa penitentiary. This penitentiary also has a ward for insane convicts, and all convicts adjudged insane are sent there. Each prison has an excellent library, and careful attention is given to the selection of books.

Government.—Each penitentiary is under the control of a warden, who is subject to the governor of the state. The wardens are elected by joint ballot of the general assembly, and hold their offices two years. They are responsible for the government and discipline of the inmates of the prisons, and the receipts and disbursements of all moneys belonging to the institutions. The warden of each penitentiary is obliged to give bonds to the amount of fifty thousand dollars, for the faithful performance of his duties. He is obliged to report, once a month a complete statement of all official acts performed by him, since his last report,

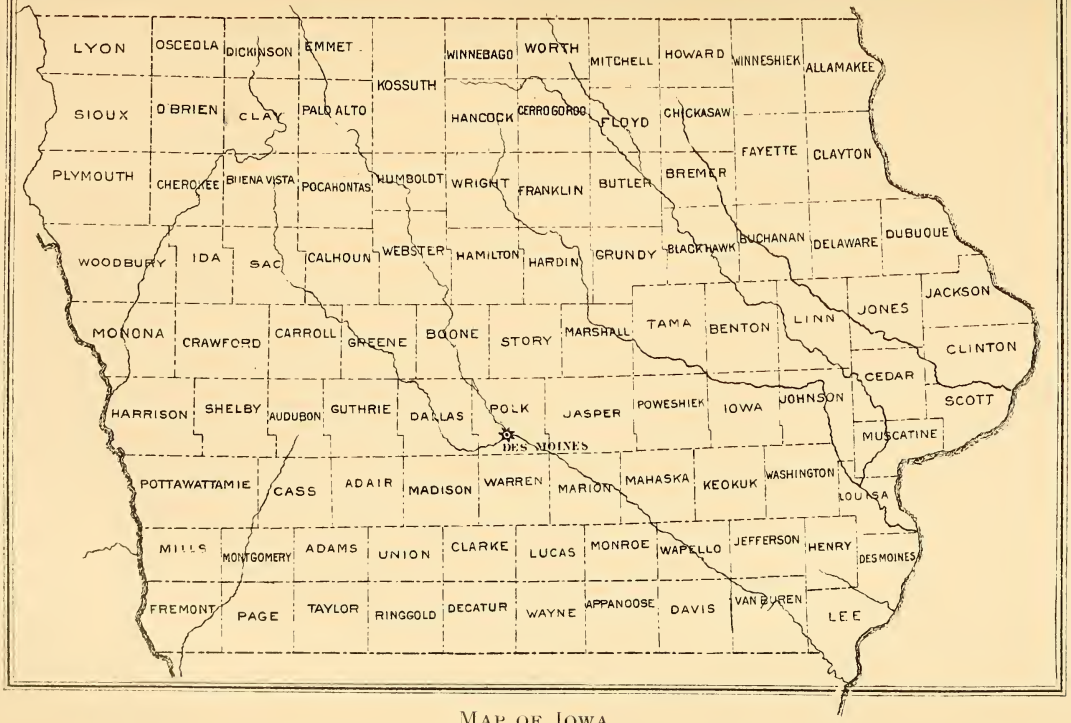
with a full account of the receipts and expenditures of the prison under his control. The other officers are the deputy warden, the chaplain, the physician, and the guards.

Good Time.—Every prisoner sentenced to either of the penitentiaries for a term of years, or less, who does not violate the rules of discipline, is entitled to a reduction of his term of service. The new good time law went into effect July 4, 1890, by the terms of which prisoners are entitled to a reduction of one month for good behavior during the first year of sentence, two months for the second year, three for the third, four for the fourth, five for the fifth, and six months for each subsequent year of sentence. A proportional reduction is made for fractional parts of a year's sentence, and any prisoner who does not violate the discipline of the prison during his term of service is entitled to a restoration of his rights of citizenship. This restoration is granted by the governor, upon the certificate of the warden, that the person released did not violate any of the rules of the prison during his term of service.

Soldiers' Home.—The Twenty-first General Assembly provided for the establishment of a soldier's home, and a committee, appointed by Gov. Larrabee, located it at Marshalltown, Marshall county. The object of this institution is to provide a home and subsistence for all honorably discharged soldiers, sailors, and marines who have served in the army or navy of the United States, and who are disabled by disease, wounds, or in any other way. Applicants must have served in an Iowa regiment, or been a resident of the state of Iowa for three years previous to the time of making application for admission.

Commissioners.—The supervision and government are placed in the hands of a board of commissioners, con-

sisting of six members, appointed by the governor, by and with the consent of the senate. It is further provided that all members of the board shall be ex-Union soldiers, and that their term of office shall be six years from the first day of May following their appointment. The first board was separated by lot into three classes of two each, to serve for two, four and six years respectively.


LYON
OSCEOLA
DICKINSON
EMMET
KOSSUTH
WINNEBAGO
WORTH
MITCHELL
HOWARD
WINNESHIEK
ALLAMAKEE
SIOUX
O'BRIEN
CLAY
PALO ALTO
HANCOCK
CERRO GORDO
FLOYD
CHICKASAW
FAYETTE
CLAYTON
PLYMOUTH
CHEROKEE
BUENA VISTA
POCAHONTAS
HUMBOLDT
WRIGHT
FRANKLIN
BUTLER
BREMER
BUCHANAN
DELAWARE
DUBUQUE
WOODBURY
IDA
SAC
CALHOUN
WEBSTER
HAMILTON
HARDIN
GRUNDY
BLACKHAWK
JACKSON
JONES
MONONA
CRAWFORD
CARROLL
GREENE
BOONE
STORY
MARSHALL
TAMA
BENTON
LINN
CLINTON
CEDAR
HARRISON
SHELBY
AUDUBON
GUTHRIE
DALLAS
POLK
DES MOINES
JASPER
POWESHIEK
IOWA
JOHNSON
SCOTT
MUSCATINE
POTTAWATTAMIE
CASS
ADAIR
MADISON
WARREN
MARION
MAHASKA
KEOKUK
WASHINGTON
LOUISA
MILLS
MONTGOMERY
ADAMS
UNION
CLARKE
LUCAS
MONROE
WAPELLO
JEFFERSON
HENRY
DES MOINES
FREMONT
PAGE
TAYLOR
RINGGOLD
DECATUR
WAYNE
APPANOOSE
DAVIS
VAN BUREN
LEE

MAP OF IOWA.

CHAPTER XXV.

DISTRICT GOVERNMENT.

Congressional Districts.—For convenience, the state is separated into districts for various purposes. United States senators are elected by the general assembly in joint convention, from the state at large. Representatives in the lower house of congress are apportioned among the several states according to their population, and Iowa now has eleven members in that house. The state is separated into eleven congressional districts, and the ratio of representation is one representative for every one hundred and seventy-three thousand, nine hundred and one persons in the United States, as determined by the last census.

Senatorial Districts.—The state is separated into fifty senatorial districts, and each district elects one member of the state senate. There is at present no fixed ratio of representation for senatorial districts, but the intention is to form the districts so that each senator shall represent about twice as many inhabitants as a state representative does.

Representative Districts.—There are ninety-one representative districts, and as these districts choose one hundred representatives, some of the districts must choose more than one member. There are nine districts that choose two members each. They are Lee, Des Moines, Pottawattamie, Polk, Scott, Clinton, Linn, Woodbury, and Dubuque counties.

Judicial Districts.—There are nineteen judicial districts in the state. These districts are formed by act of the general assembly, and they are subject to change at any time by law. There is no basis of population for determining the size of judicial districts.

Table of Districts.—The accompanying table will be found useful in studying the district organization of the state. In the proper columns, after each county name, will be found the number of each kind of district to which that county belongs.

COUNTIES OF IOWA.

NAME.	COUNTY SEAT.	CONG. DIST.	SEN. DIST.	REP. DIST.	JUD. DIST.
Adair	Greenfield	9	16	29	5
Adams	Corning	8	6	13	3
Allamakee	Waukon	4	40	87	13
Appanoose	Centerville	8	3	4	2
Audubon	Audubon	9	17	34	15
Benton	Vinton	5	45	49	17
Black Hawk	Waterloo	3	38	66	10
Boone	Boonesboro	10	31	53	11
Bremer	Waverly	3	39	72	12
Buchanan	Independence	3	33	67	10
Buena Vista	Storm Lake	11	50	77	14
Butler	Allison	3	39	73	12
Calhoun	Rockwell City	10	27	61	16
Carroll	Carroll	10	48	55	16
Cass	Atlantic	9	18	30	15
Cedar	Tipton	5	24	44	18
Cerro Gordo	Mason City	4	43	84	12
Cherokee	Cherokee	11	46	59	4
Chickasaw	New Hampton	4	44	86	13
Clark	Osceola	8	11	15	3
Clay	Spencer	11	47	82	14
Clayton	Elkader	4	36	70	13
Clinton	Clinton	2	22	45	7
Crawford	Denison	10	34	56	16

Name.	County Seat.	Cong. Dist.	Sen. Dist.	Rep. Dist.	Jud. Dist.
Dallas	Adel	7	17	36	5
Davis	Bloomfield	6	3	3	2
Decatur	Leon	8	5	6	3
Delaware	Manchester	3	33	68	10
Des Moines	Burlington	1	9	21	1
Dickinson	Spirit Lake	11	47	81	14
Dubuque	Dubuque	3	35	69	19
Emmet	Estherville	10	47	81	14
Fayette	West Union	4	40	71	13
Floyd	Charles City	4	44	85	12
Franklin	Hampton	3	43	74	11
Freemont	Sidney	8	7	10	15
Greene	Jefferson	10	48	54	16
Grundy	Grundy Center	5	38	65	10
Guthrie	Guthrie Center	9	17	35	5
Hamilton	Webster City	10	37	63	11
Hancock	Concord	10	43	75	12
Hardin	Eldora	3	37	64	11
Harrison	Logan	9	34	32	4
Henry	Mt. Pleasant	1	10	20	2
Howard	Cresco	4	42	89	13
Humboldt	Dakota	10	50	76	14
Ida	Ida Grove	11	46	57	16
Iowa	Marengo	2	25	40	8
Jackson	Maquoketa	2	23	46	7
Jasper	Newton	6	29	38	6
Jefferson	Fairfield	1	2	19	2
Johnson	Iowa City	2	25	41	8
Jones	Anamosa	5	24	47	18
Keokuk	Sigourney	6	12	24	6
Kossuth	Algona	10	47	83	14
Lee	Keokuk and Ft. Madison	1	1	1	1
Linn	Marion	5	26	48	18
Louisa	Wapello	1	20	22	6
Lucas	Chariton	8	4	16	2
Lyon	Rock Rapids	11	49	80	4
Madison	Winterset	7	16	28	5
Mahaska	Oskaloosa	6	14	25	6

NAME.	COUNTY SEAT.	CONG. DIST.	SEN. DIST.	REP. DIST.	JUD. DIST.
Marion	Knoxville	7	15	26	5
Marshall	Marshalltown	5	28	51	11
Mills	Glenwood	9	8	11	15
Mitchell	Osage	4	41	90	12
Monona	Onawa	11	34	57	4
Monroe	Albia	6	15	17	2
Montgomery	Red Oak	9	8	12	15
Muscatine	Muscatine	2	20	42	7
O'Brien	Primghar	11	49	80	4
Osceola	Sibley	11	49	81	4
Page	Clarinda	8	7	9	15
Palo Alto	Emmetsburg	10	47	82	14
Plymouth	Le Mars	11	46	78	4
Pocahontas	Pocahontas Center	10	50	76	14
Polk	Des Moines	7	30	37	9
Pottawattamie	Council Bluffs	9	19	31	15
Poweshiek	Montezuma	6	12	39	6
Ringgold	Mt. Ayr	8	5	7	3
Sac	Sac City	11	48	60	16
Scott	Davenport	2	21	43	7
Shelby	Harlan	9	18	33	15
Sioux	Orange City	11	49	79	4
Story	Nevada	7	31	52	11
Tama	Toledo	5	45	50	17
Taylor	Bedford	8	6	8	3
Union	Afton	8	5	14	3
Van Buren	Keosauqua	1	2	2	2
Wapello	Ottumwa	6	13	18	2
Warren	Indianola	7	11	27	5
Washington	Washington	1	10	23	6
Wayne	Corydon	8	4	5	3
Webster	Fort Dodge	10	27	62	11
Winnebago	Forest City	10	41	91	12
Winneshiek	Decorah	4	42	88	13
Woodbury	Sioux City	11	32	58	4
Worth	Northwood	4	41	91	12
Wright	Clarion	3	37	75	11

THE NATION.

CHAPTER I.

FORMS OF GOVERNMENT.

Origin of Government.—From the earliest history there have always been leaders among men, and from the apparent necessity for leaders in all classes and conditions of society, systems of governments have been developed. When there were few people on the earth, government was a simple matter, for when the interests of individuals seemed to conflict, trouble was avoided by the withdrawal of one to the right hand, and of the other to the left.

Patriarchal.—The parental, or patriarchal, was very naturally the earliest form of government, and it is even now an essential element, in fact, the foundation of all good popular government. In early Jewish history, the theocratic form came into existence, and the ten commandments, or decalogue, became the recognized constitution of that people.

Monarchial.—When a crisis arose in the history of any nation, it was perfectly natural for the people to seek some prominent person from their own number to serve as their leader, or for some self-appointed leader to undertake the work of saving the nation. The monarchial form of government, or a government by one person, was easily developed from the parental form, and some of the most powerful governments of all ages have been monarchies.

Powers of Monarch.—Monarchy is a general term, and the chief ruler is called a monarch. Special names are given the monarchs of different nations, as king, queen, emperor, czar, sultan, mikado, etc. The power of some monarchs is limited by law, while others are "a law unto themselves." According to the power the sovereign has over his subjects, a monarchy is said to be limited or absolute. England and Germany are good examples of limited monarchies, and Russia is a notable example of an absolute monarchy. Turkey is in name a limited monarchy, but the power of the sultan is such as to make the government of that country an absolute monarchy.

Title to Throne.—With reference to the title of a ruler to the throne, monarchies are either hereditary or elective. Elective monarchies have not been numerous at any time in the world's history, and, in fact, the idea of a popular election of a monarch seems, in the nature of things, an impossibility. In an hereditary monarchy, the succession to the throne is generally established in a royal family. The line of succession is from the father to the eldest son living. In some monarchies, if there are no sons living, the daughters of the sovereigns are considered in the line of succession, in the order of their ages, beginning with the eldest, while in others, no woman can succeed to the throne.

Aristocracy.—An aristocracy is a necessary attendant upon monarchy. Aristocracy means a government by the best, and if the word could always be used in its literal sense, such a form of government would not be a very bad one. An inherited title of best is not always a sure sign of goodness, and some aristocracies, instead of being governments by the best, have been governments by the worst.

During the middle ages, and especially while the feudal system was in process of development, there grew up among the principal nations of Europe, a number of rich and powerful families that often exerted as great an influence in governmental affairs as did the rulers themselves. Sometimes the nobles were not only "the power behind the throne," but they often usurped the power of the sovereign, and became, in reality, the rulers of the realm.

English Nobility.—In England, an elaborate system of nobility is still maintained. It consists of members of the royal family, four archbishops of England and Ireland, dukes, marquises, earls, viscounts, and barons.

Titles of Nobility. — A duke was at first a military leader, and it is easy to see that, in the development of an aristocracy, the successful leaders in battle should be given the highest place. Marquis was also a military title conferred upon an officer whose duty it was to guard the marches, or frontiers, of the kingdom. Earl is an English title equivalent to that of count in Germany and other continental countries of Europe. The wife of an earl is called a countess. An earl had the right to rule over a division of the kingdom equivalent to a county. The earl often delegated his power to a vice-count, whose duties were quite like those of a sheriff. The vice-count, or viscount, is the title next lower in rank than earl. The barons had charge of smaller tracts of land than the earls, and they were, therefore, of lower rank. Baron is now the lowest order of nobility.

"The Grand Model."—Only one attempt was ever made to establish an aristocratic form of government in the United States. The noted philosopher, John Locke, was

employed to draft a constitution for the Carolinas, in 1672, but his "grand model" proved a grand failure.

Democracy.—A democracy is a form of government in which, in theory at least, the will of the people is law. The term signifies the power of the people. A pure democracy is possible only in a country having a very limited area and a small population. The nearest approach to a democracy in this country is found in the New England town meeting and similar local gatherings in other sections.

Republic. — A republic is a natural outgrowth of a democracy. It is impossible for a people, large in numbers and occupying much territory, to meet at one place for the purpose of making laws. In a republic, the powers of the people are delegated to representatives chosen by the people themselves, or appointed in a manner approved by the people.

Examples of Republics.—The United States furnishes the best example of a republican form of government known to history. France, Switzerland, Andorra, and San Marino are the republics of Europe, but they differ in many respects from the United States. Mexico, the Central American states, and all the independent governments of South America are republics.

Settlements in United States.—For nearly a century after the discovery of America by Columbus, no permanent settlements were made in what is now the United States. England, France, Spain, Sweden and Holland laid claim to territory along the Atlantic seaboard, and in the early part of the seventeenth century, settlements were made by each of those nations with a view to making good its claims to territory, on account of the so-called right of discovery.

Conflicting Claims.—It was not long until a conflict of claims to territory arose, and a century later, the struggle for supremacy came. England and France joined in a contest to decide which nation should direct the destinies of the new world. This contest, known as the French and Indian war, gave to England the control of that portion of the United States which is bounded by the Atlantic on the east, the chain of Great Lakes and Canada on the north, the Mississippi on the west, and the Spanish possessions of Florida on the south.

Arbitrary Rule.—The English colonies in America had for many years chafed under the arbitrary rule of British kings. The expenses of the French and Indian war were heavy, and England thought to lighten the burden by taxing the colonies. The colonies objected to paying the taxes unless they were given representation in parliament. From 1760 to 1775, many obnoxious acts of parliament were passed, and early in the latter year, the Revolutionary war began.

CHAPTER II.

ORIGIN OF UNITED STATES GOVERNMENT.

Colonial Congress.—The first colonial congress of the colonies met at New York in October, 1765, and although only nine colonies were represented, much good was accomplished. This congress drew up a declaration of their rights as colonies, and petitioned the king to remedy the wrongs of which they complained.

Continental Congresses.—The first continental congress met at Philadelphia, September 5, 1774. The condition was becoming serious, and the beginning of open hostilities seemed near at hand.

May 10, 1775, the second continental congress met at Philadelphia. Its members were representatives of the various colonies, with power to do what seemed expedient for the common good. This congress remained in session most of the time until the close of the war, in 1783.

Declaration of Independence.—In June, 1776, Richard Henry Lee introduced a resolution into congress, asserting "That these united colonies are, and of right, ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connections between them and the state of Great Britain is and ought to be totally dissolved."

"That a plan of confederation be prepared, and transmitted to the respective colonies for their consideration and approbation."

Adoption.—These resolutions were but the forerunner of the actual Declaration of Independence, which was adopted by congress July 4, 1776.

Ratified by Colonies.—The committee appointed to draft the Declaration consisted of Thomas Jefferson of Virginia, Benjamin Franklin of Pennsylvania, Robert R. Livingston of New York, Roger Sherman of Connecticut, and John Adams of Massachusetts. Jefferson wrote the Declaration, but a few changes in the wording of it were made by Adams and Franklin. The discussion on the adoption of the document was long and earnest, but after much debate it was finally adopted by twelve of the colonies. The delegates from New York declined to vote in favor of adopting the Declaration, although they signed it with the others, at the appointed time. The signers of the Declaration of Independence are often called "The Immortal Fifty-six."

Union of Colonies.—As soon as the Declaration was adopted, congress began to take steps leading to a confederation of the colonies. Early in June, 1776, a committee was appointed to draft a plan of government in case independence should be decided upon. Shortly after the declaration was adopted, this committee made its report. A long discussion followed, and it was not until November 15, 1777, that the Articles of Confederation were adopted.

Adoption of Articles of Confederation. — This plan for the government of the United States was submitted to the colonies at once, and the assent of twelve was soon obtained. One of the provisions of the plan was, that the articles were not to be binding upon any of the colonies until all had ratified them. Maryland refused her assent at first, and it was not until March 1, 1781, that the delegates to congress from that state signed the compact. On

the following day, congress assembled under the new form of government.

Provisions.—Many of the provisions of the articles of confederation seem strange to us, until we consider that the whole plan of the new government was an experiment. The framers of the plan had no model which they could follow. The work was entirely new, and while it resulted in little less than a failure, that very fact enabled the founders of the new constitutional government, a few years later, to profit by the failures of the old in making strong the new.

Same.—The articles of confederation provided for a firm league of friendship among the states. But even before the new government went into effect, disputes arose between neighboring colonies, and the common danger that threatened them, in case they were unsuccessful in the war in which they were then engaged, alone prevented civil war.

Congress the Government.—Instead of the three branches of government to which we are accustomed, the articles of confederation provided for but one branch, the legislative, and the congress consisted of only one house.

Peculiarities.—There was no president, vice-president or cabinet, and no system of courts. Members of congress could serve only three years in any period of six years. There was no provision for a general treasury, and the delegates to congress were paid by their respective states. All the members of congress were elected for one year, but any state might recall any or all of its delegates whenever it chose to do so. No state could have less than two nor more than seven members. Each state had but one vote, and the delegates were obliged to agree upon a proposed measure, or run the risk of having the state lose its vote.

Defects.—The principal defect in the articles of confederation was, that they gave the general government very little power. Congress could declare war, but it could not raise an army to carry it on. It could apportion the number of troops to be raised among the several states, but it could go no farther. In the language of a noted statesman, "Congress has the power to declare everything, but it can do nothing."

Condition of the Country.—Such a condition could not last long. The nation was on the verge of anarchy. At the close of the war, there were only twenty delegates serving in congress from all the colonies, and these were often disheartened by the difficulties which confronted them.

Revision.—The first action taken for the purpose of strengthening the general government was a resolution adopted by the legislature of Massachusetts, in 1785. A convention of delegates from all the colonies was recommended, but no definite action followed. Later in the year, commissioners from Maryland and Virginia met at Alexandria to settle some disputes about the boundary line between those states. These commissioners discussed the serious condition of the nation at large, and before adjourning, they recommended that a national commission be appointed to settle similar disputes among all the states.

Annapolis Convention.—In 1786, a trade convention met at Annapolis, Maryland, to consider the commercial interests of the United States. Only five states were represented in this convention, and nothing definite was accomplished by it. Before adjourning, however, the convention recommended that commissioners be appointed by each of the states to meet in convention, at Philadelphia, on the second Monday in May, 1787.

Action of Congress.—In February, 1787, congress passed a resolution urging the states to appoint delegates to the Philadelphia meeting, for the sole purpose of revising the articles of confederation. The appointment of delegates was made, but owing mainly to difficulties of travel, but a small number had reached Philadelphia at the time appointed. The convention was organized on the twenty-fifth of May, by the election of George Washington as chairman.

Delegates.—Each state had selected some of its ablest men to be delegates to this convention. Rhode Island alone refused to be represented. George Washington, Benjamin Franklin, Robert Morris, Governeur Morris, James Madison, Alexander Hamilton, James Wilson, Charles Cotesworth Pinckney, Rufus King, William Livingston, and Roger Sherman were some of the most distinguished members.

Tribute to Members.—James Madison, in the journal of the convention as kept by him, says, "There never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the constitutional convention of 1787, to the object of devising and proposing a constitutional system, which should best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country."

Plans of Government. — Edmund Randolph and Charles Pinckney proposed separate plans for the new form of government. These plans were discussed, amended by additions and substitutions, and so thoroughly changed that the constitution in its final form bore little resemblance

to the original. Each state furnished some valuable part of the constitution from its own experience.

The Convention.—The convention remained in session till September 17, 1787, four months and three days from the time appointed for its meeting. The work of the convention was so satisfactory that only three members, Edmund Randolph, John Mason, and Elbridge Gerry, refused to sign the constitution.

Quotation.—"Whilst the last members were signing, Doctor Franklin, looking towards the president's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art, a rising from a setting sun. 'I have,' said he, 'often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the president, without being able to tell whether it was rising or setting; but now at length, I have the happiness to know, that it is a rising and not a setting sun.'"

CHAPTER III.

CONSTITUTION OF THE UNITED STATES.

(1) We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

SECTION I.

(2) All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION II.

(3) The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

(4) No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

(5) Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subse-

quent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

(6) When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

(7) The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

(8) The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

(9) Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

(10) No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

(11) The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

(12) The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

(13) The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

(14) Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

(15) The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

(16) The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

(17) Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

(18) Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

(19) Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

(20) Neither house during the session of congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

(21) The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

(22) No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

(23) All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

(24) Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

(25) Every order, resolution, or vote to which the concurrenc of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

(26) The congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the Uuited States; but all duties, imposts, and excises shall be uniform throughout the United States;

(27) To borrow money on the credit of the United States;

(28) To regulate commerce with foreign nations and among the several states, and with the Indian tribes;

(29) To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

(30) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

(31) To provide for the punishment of counterfeiting the securities and current coin of the United States;

(32) To establish post-offices and post-roads;

(33) To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

(34) To constitute tribunals inferior to the supreme court;

(35) To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

(36) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

(37) To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

(38) To provide and maintain a navy;

(39) To make rules for the government and regulation of the land and naval forces;

(40) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

(41) To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

(42) To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

(43) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

(44) The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

(45) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

(46) No bill of attainder or ex post facto law shall be passed.

(47) No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

(48) No tax or duty shall be laid on articles exported from any state.

(49) No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

(50) No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

(51) No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind, whatever, from any king prince, or foreign state.

SECTION X.

(52) No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

(53) No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

(54) No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

(55) The executive power shall be vested in a president of the United States of America. He shall hold his office during the

term of four years, and together with the vice-president, chosen for the same term, be elected as follows :

(56) Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.]

(57) The congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

(58) No person except a natural born citizen, or a citizen of he United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any per-

son be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

(59) In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed or the president shall be elected.

(60) The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

(61) Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability preserve, protect and defend the constitution of the United States."

This clause of the constitution has been amended. See twelfth article of the amendments.

SECTION II.

(62) The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

(63) He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all

other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law or in the heads of departments.

(64) The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

(65) He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

(66) The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

(67) The judicial power of the United States shall be vested n one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

(68) The judicial power shall extend to all cases in law an equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their

authority ; to all cases affecting ambassadors, other public ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

(69) In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

(70) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION III.

(71) Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(72) The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained.

ARTICLE IV.

SECTION I.

(73) Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

(74) The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

(75) A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

(76) No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

(77) New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

(78) The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SECTION IV.

(79) The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

(80) The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be pro-

posed by the congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

(81) All debts contracted and engagements entered into, before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation.

(82) This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

(83) The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

(84) The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from Virginia.

New Hampshire—John Langdon, Nicholas Gilman.
Massachusetts—Nathaniel Gorman, Rufus King.
Connecticut—William Samuel Johnson, Roger Sherman.
New York—Alexander Hamilton.

NEW JERSEY—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary.*

AMENDMENTS.

ARTICLE I.

(85) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

(86) A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

(87) No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

(88) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but

upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

(89) No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

(90) In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

(91) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

(92) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

(93) The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

(94) The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

ARTICLE XI.

(95) The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

(96) The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

(97) The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

(98) SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

(99) SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

(100) SECTION 1. All persons born or naturalized in the Uuited States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(101) SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

(102) SEC. 3. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

(103) SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

(104) SEC. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

(105) SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on acconnt of race, color, or previous condition of servitude.

(106) SEC. 2. The congress shall have power to enforce this article by appropriate legislation.

CHAPTER IV.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

The preamble of the constitution is the key-note of popular government. It contains, in few words, a summary of the reasons for the formation of our government, and in it, there is a clear, definite statement of the needs of the nation at the time of its adoption, as well as ample provision for future ages.

More Perfect Union. — The greatest need of the hour was that a more perfect union of the states might be formed. "We are one to-day and thirteen to-morrow" was a common assertion, and all thoughtful men realized the truth of the statement. Under the articles of confederation, the weakness of the government was due almost entirely to the lack of union among the states. It is no wonder, therefore, that the first reason given in the preamble is, "in order to form a more perfect union."

Justice.—To establish justice among the states was also an urgent necessity. Petty jealousies had arisen among them, and each one seemed to fear that its rights were abridged by the others. As there was no judicial

branch of the general government, there was no legal way of settling these disputes, and the condition in some cases was truly deplorable.

Domestic Tranquillity.—During the few years that the articles of confederation formed the basis of our government, the states were in constant trouble with their neighbors. Each state also had as much to fear from dangers within its own borders as it had from outside foes. The necessity for "domestic tranquillity" was very urgent, and as nearly all the trouble among the states had arisen from their trade relations, congress, by the new plan, was very wisely given the power to regulate commerce. In order that peace might be insured to the states, the general government has the power to put down insurrections in any of the states.

Common Defense. — The states had learned from the war through which they had just passed, that their success depended upon their united action. The United States could do more to provide for the common defense than could possibly be accomplished by the states themselves, each acting separately. Since the adoption of the constitution, no state has ever been engaged in war with any other state or foreign power. The right to make all necessary provisions for supporting an army and navy is given to the general government.

General Welfare.—To promote the general welfare of all the states and of all the people is an important function of popular government. This work is carried on in many ways, and it is no idle boast to say that no other government has ever done so much to benefit all classes of society as has our own. The large grants of lands and money given by congress to foster education, especially

of late years, the improvements of rivers and harbors, the excellent postal service, and the improved civil service, are but a few of the many ways in which the general welfare of the people is promoted.

Perpetuity.—The last clause of the preamble is a fitting climax. The members of the constitutional convention realized the importance of the work they had undertaken, and it was their deliberate purpose to found a government for posterity. How well their work was done, the nineteenth century can fully attest.

CHAPTER V.

ARTICLE I. The Legislative Branch.

SECTION I.—CONGRESS.

All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Branches of Government.—The plan for the formation of a general government with three branches, which should be as nearly independent of one another as possible, doubtless originated with Washington. The three branches of government established by the constitution are the legislative, the executive, and the judicial. These are often called the law-making, the law-enforcing, and the law-interpreting powers of the government.

Legislative Branch.—The legislative branch is properly placed first in the constitution, because it is the foundation for the workings of the other two branches. The logical order of government seems to be legislation, enforcement, and interpretation. The legislative branch is given more space in the constitution than both of the other branches on account of its importance, and also because of a desire on the part of the members of the convention to be very explicit in outlining the work of this branch.

Difficulties of Organization.—Congress, under the confederation, consisted of but one house, and there was a strong effort made to organize the new congress in the same

way. It was decided early in the convention, that membership in congress should, in a measure at least, be determined by the population of the several states, and the smaller states felt that they would, in this way, be deprived of all power in the government. They preferred to remain out of the Union, as they had a perfect right to do, rather than to become part of a government which would be practically controlled by a few of the large states.

Representation.—Parliament, the legislative branch of the English government, was taken by the small states as a model, because it consists of two houses, and a compromise was finally made by which the representation in the upper house was made the same for each of the states. As a concession to the larger states, the smaller states agreed to representation in the lower house to be based upon population.

CHAPTER VI.

Section II. House of Representatives.

Clause 1.—Composition and Term.

The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

House.—The house of representatives is so called because its members are chosen to represent the people. The first congress under the constitution assembled on the first Wednesday in March — which chanced to be the fourth day of the month—in the year 1789. Each congress is numbered in order from the first one, and the number is changed March 4, of each odd-numbered year. The term of members of the Fifty-fourth Congress began March 4, 1895.

Election of Members.—The election of members of the house of representatives occurs on the Tuesday next after the first Monday in November of each even-numbered year, and the whole number of representatives is chosen at that time.

Length of Service.—Under the confederation, the term of representatives was one year, and no person was eligible to a seat in congress for more than three years in succession. There is now no constitutional restriction as to the number of terms a representative may serve.

The "People."—The term "people" as here used, means the qualified voters of the state. Each state, in its constitution, designates certain classes of persons who may exercise the right of suffrage. By a strange oversight in the national constitution, the right to vote is not restricted to citizens of the United States. Several states confer the right to vote upon "aliens who have declared their intentions to become citizens of the United States," and who are otherwise qualified as to age, sex, and residence.

Qualification of Electors.—The only qualification required of electors of representatives in congress is, that they shall have the qualifications that the state constitution requires for electors of the more numerous branch of the state legislature. Wisconsin permits "Indians who have renounced their tribal relations and donned the habiliments of civilization," if otherwise qualified, to vote at all elections held in the state.

Wyoming and Colorado permit women to vote at all general elections. Women, therefore, may vote for representatives to congress from those states. Some states require educational qualifications of their voters, others, a property qualification, and all require that the voters shall have attained a certain age, and resided in the state, and also in the county in which they claim the right to vote, for a specified time preceding the election. The minimum age required of voters in all the states is twenty-one years, and beyond this, there is no uniformity of qualification.

Clause 2.—Qualifications.

No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he is chosen.

Citizenship.—The question of citizenship was, for many years, a troublesome one in this country, and it was not definitely settled until the adoption of the fourteenth amendment to the United States constitution. The qualifications required of representatives are certainly not too high.

Age.—By the clause of the constitution quoted above, it will be seen that the earliest age at which a native-born citizen may become a representative in congress is twenty-five years, and as this is only four years after the person has acquired the right to vote, the minimum age is generally considered low enough.

Aliens.—An alien, by the usual process, must reside in this country five years before he can be naturalized. This period, together with the seven years' residence required by the constitution, make it necessary for an alien to have resided in the United States at least twelve years before he can become a member of the house of representatives in congress.

Residence.—It is required that members of congress shall, at the time of their election at least, be inhabitants of the states from which they are chosen. For convenience, as well as for the purpose of carrying out the idea of close representation, each state that is entitled to more than one representative, is separated into congressional districts, and each district chooses its own representative.

Congressional Districts. — Congressional districts are formed by the legislature of each state in such a way as to make them as nearly equal in population as possible. These districts are designated by number, and their boundaries are subject to change every ten years. Residence in the congressional district he is chosen to represent is not a

constitutional requirement, although only a very few representatives have ever been chosen to represent districts in which they did not reside. The qualification of residence applies only to the time of election, but it would seem eminently proper for a representative who has removed from the state in which he was chosen, to resign at the time of his removal.

Clause 3.—Apportionment.

The parts of this clause enclosed in parentheses are now obsolete.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, (which shall be determined by adding to the whole number of free persons, including those bound to service for a number of years, and) excluding Indians not taxed, (three-fifths of all other persons.) The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, (and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.)

Representatives—Direct Taxes.—One of the most difficult things for the members of the constitutional convention to agree upon was the basis of representation in both houses of congress. After much discussion, it was decided to apportion representatives and direct taxes among the states according to population.

Census.—No formal counting of the people of the United States had ever been made, and the assignment of members of the first congress to the different states was purely arbitrary. The convention had agreed upon forty thousand inhabitants as the basis, or ratio, of representation, but Washington, in about the only address he made to the convention, urged that the number be changed to thirty thousand. The change was made at once.

Number of Members.—The constitution does not limit the membership of the house of representatives. At first there were sixty-five members, on the estimated basis of one representative for every thirty thousand inhabitants of the country, but so rapid has been the growth of the United States in population, that there are now nearly six times as many representatives as there were in the first congress, and the ratio of representation is nearly six times as great as it was at first.

Ratio of Representation.—The first census of the people of the United States was taken in 1790, and one has been taken in the last year of each regular decade since that time. At the first session of congress after the census had been taken, a committee was appointed to decide upon the number of representatives in congress for the next ten years. The number, at present, is three hundred and fifty-six. The ratio of representation is found by dividing the number representing the population of all the states, exclusive of the territories and the District of Columbia, by the number representing the membership of the house of representatives. The ratio now is one representative for every 173,901 inhabitants.

Each State Represented.—It is also provided that each state shall have at least one representative. Should

new states be admitted before the next census is taken, the number of representatives will be increased accordingly.

Representative at Large.—When a state has more representatives in congress than it has congressional districts, the additional members are chosen from the state at large. This sometimes happens after the census has been taken, and before the state legislature has had time to change the number of congressional districts.

Objects of Census.—The primary object of the census is to show the number of people in the United States, but in addition to this, very many important facts concerning the nationality, education, occupations, and general prosperity of the people, are obtained by the census-takers. Nearly all the states have a special census taken every ten years, but so arranged that it occurs five years after the United States census has been taken. In this way the counting of the people occurs every five years.

Slavery.—At the time of the adoption of the constitution, slavery existed in nearly all of the states. There were several members of the convention who were bitterly opposed to slavery, and they wished to have nothing done by the convention to encourage it. The status of the slave was hard to settle. If he was simply a chattel—mere property — he should not be counted among the people any more than horses, houses, or any other form of property. If he was to be counted as "of the people," then slavery must be recognized as a traffic in human beings.

Compromise.—As a compromise, it was decided that neither slaves nor slavery should be mentioned in the constitution, and the evasive language, "three-fifths of all other persons," was used to determine the political standing of slaves in fixing the basis of representation.

CHAPTER VII.

HOUSE OF REPRESENTATIVES—CONTINUED.

Clause 4.—Vacancies.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies in office may occur by the death, resignation, or removal of the incumbent. When a vacancy occurs in the representation from any state, the governor, or acting executive, issues a proclamation to the voters of the congressional district in which the vacancy exists, directing them to meet at a specified time, for the purpose of electing a representative to fill the vacancy. The day for this special election is named in the proclamation, and it is the same for all counties in the congressional district.

Clause 5.—House Powers.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

House Officers—Speaker.—The right of the house of representatives to choose its own officers is a proper one. It is customary for all deliberative bodies to do this, although a notable exception seems to exist in the election of the vice-president to preside over the senate. The speaker of the house is always chosen from its own members, but the other officers are not. The speaker is the

chief officer of the house, and it is his duty to preside over the deliberations of that body, as chairman. He is also required to appoint the committees of the house, keep order, decide points of parliamentary usage in debate, and sign the bills passed by the house in the process of law-making.

Clerk.—The other important officers of the house are, the clerk and sergeant-at-arms. The clerk keeps the record of the house from day to day, in a book called the journal. His duties are very important, and he is obliged to have several assistants to aid him in his work.

Sergeant-at-Arms. — The sergeant-at-arms is the marshal, or police officer, of the house, and it is his duty to see that the rules relating to the conduct of its members are strictly obeyed. He is sometimes sent to bring absent members to attend the sessions of the house, and his summons places the persons under arrest.

Duties.—During a session of the house, the sergeant-at-arms sits facing its members to see that good order is maintained. Whenever any disturbance arises among the members, he takes the mace, which is the symbol of his authority, and carries it at once to the scene of the disorder. The presence of the mace is a warning to the offenders to stop the disturbance, or run the risk of severe punishment, and even expulsion. The sergeant-at-arms also draws the warrants for the payment of salaries of members, and sees that each member receives the amount due him.

Doorkeeper.—The doorkeeper admits members and all other persons privileged to seats in the hall of representatives. He also has charge of the furniture of the main hall and galleries, and is responsible for the proper care of the same.

Postmaster.—There is also a postmaster appointed for the house of representatives, and a special post-office is kept for the convenience of members. A chaplain is also one of the regular officers of the house, and it is his duty to open the session each day with devotional exercises. Certain minor officers are appointed as they are needed, and they serve during the pleasure of the house. Each of the principal officers appoints his own assistants, and is responsible for the faithful discharge of their duties.

Impeachment.—The house of representatives is given the sole power of impeachment. An impeachment is a charge preferred against a public officer, accusing him of having committed high crimes and misdemeanors, or of having violated his oath of office. An impeachment is in the nature of an indictment brought by a grand jury. It does not determine the guilt, or innocence, of the accused, but it requires him to submit to an investigation of the charges before a proper court.

Who May be Impeached.—The constitution does not designate all the officers that are liable to impeachment. The president, vice-president, judges of the supreme and inferior courts, and members of the president's cabinet are among the officers that are considered subject to impeachment. Senators and representatives can not be impeached.

Nature of Impeachment Cases.—It must be borne in mind that impeachment is only a formal accusation. President Johnson was regularly impeached by the house of representatives, in 1868, but he was not convicted. Three U. S. district judges, one associate justice of the supreme court, and one cabinet officer have also been impeached, but only two of the six officers impeached were convicted and removed from office.

CHAPTER VIII.

SECTION III.—The Senate.

Clause 1.—Composition.

The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Objections to Senate.—The senate was a subject of great dispute among the members of the constitutional convention. Some members saw no necessity for two houses of congress, and others feared that the plan of having two houses, with different qualifications required, would soon develop into a legislature closely resembling the British parliament. Some of the larger states wished to have the senate a less numerous branch than the house, but they insisted that the membership should be based upon population. Two or three representative districts might be united to form one district for the election of a senator, it was urged; but the smaller states would not listen to this, and it was not until equal representation of the states was agreed to for the senate, that the smaller states consented to enter the Union.

Political Representatives.—The senate is supposed to represent the states in a political capacity. The membership can never be as large as that of the house. As there are now forty-four states in the Union, it follows that there are eighty-eight senators in congress.

Manner of Choosing. — Several methods for the election of senators were proposed, but it was finally decided that they should be chosen by the state legislatures. Several attempts have been made to amend this part of the constitution, so that senators shall be elected by the people themselves, in the same manner that representatives are chosen, but nothing definite has been accomplished.

Term.—The term of senators is fixed by the constitution at six years. This gives permanency to the office of senator, and serves to remove it from the field of politics.

Vote.—Under the confederation, each state had but one vote, no matter how many delegates it had in the congress. This method of voting was not satisfactory, and a change was made so as to give each member the right to vote independently.

Clause 2.—Classification and Vacancies.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Purpose.—This clause of the constitution was inserted for the purpose of making the senate a perpetual body. All the members of the house of representatives may be changed at any general election of those officers, because they are all

chosen at the same time. With the organization of a new congress, however, only one-third of the number of senators can be changed, unless some have been chosen to fill vacancies. At all times, one-third of all the senators have served at least two years, and another third, at least four years.

Classes.—The division of senators into the three classes designated in the constitution was made at the first session of congress. At that time, only ten of the states were represented in the senate, and consequently there were only twenty senators to be separated into classes. It is customary to speak of the thirteen original states, but there were only eleven states in the Union, when the government was organized, March 4, 1789.

Ten States.—North Carolina ratified the constitution November 21, 1789, and Rhode Island, May 29, 1790. At the time the senators were classified, New York had not chosen her senators, and thus, as stated above, there were only ten states represented in the senate.

First Congress.—In separating the senators into classes, a committee that had been appointed for the purpose arranged the names on three slips of paper, one containing six names, and the other two, seven each. Care was taken in arranging the names so that the two senators from any state were assigned to separate lists. It was agreed that these lists were to be drawn from a box in which they had been placed, and the senators named in the first list drawn were to serve for two years. Those in the second list were to serve four years, and those in the third list, for the full senatorial term of six years.

New Members.—As new states have come into the Union, their senators have been assigned to the classes hav-

ing the fewest members. On this account it sometimes happens that neither of the senators from a new state serves for six years. The terms of senators from a new state are decided by lot, and are known as the long and the short term.

Present Classification.—The senate is now separated into groups of twenty-nine and thirty. The term of those in the first class will expire March 3, 1897, those in the second class, March 3, 1899, and those in the third class, March 3, 1901. Should a new state be admitted this year, the short term would be less than two years, and the long term less than four years, and the classes would then consist of thirty senators each.

CHAPTER IX.

SENATE—CONTINUED.

Clause 3.—Qualifications.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Higher Qualifications.—It was admitted by all members of the constitutional convention that the qualifications of senators should be higher than those of representatives. The minimum age is five years higher, and the length of time of citizenship, two years longer. The clause relating to inhabitancy is the only one that may be subject to abuse. While a senator at the time of his election must be an inhabitant of the state from which he is chosen, he may at any time remove to some other state and continue to serve as senator from the state that elected him.

As the senate acts with the president in making treaties with other nations, the first two qualifications named seem all the more necessary.

Clause 4.—Presiding Officer.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

Vice-President.—There was much objection made to the election of a vice-president, and it is doubtful whether,

or not, the office would have been created, had not some member of the convention suggested that the vice-president should serve as president of the senate, *ex-officio*.

General Provisions.—The work of presiding over the senate would qualify the vice-president for the more important position, should he be called upon to perform the duties of president. He is not allowed to vote, except in case of equal division of the senate upon any question under consideration, because his vote might seem to increase the political influence of the state from which he was elected. That state would have three votes in the senate instead of two, and to prevent this, the vice-president is not permitted to vote except as above stated. Because there is always an even number of senators, it seems necessary for the presiding officer to have the casting vote in case of an equal division of the senate, in order to prevent what is known in political language as a "dead lock." The vice-president takes no part in the discussions of the senate, nor does he appoint any of the regular committees of that body.

Clause 5.—Other Officers.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of the president of the United States.

The other officers of the senate are a president *pro tempore*, a secretary, sergeant-at-arms, chaplain, librarian, and postmaster.

President Pro Tempore.—The president *pro tempore* is chosen by the senate from among its own members. As a rule, the position is an honorary one, as he is not often called upon to preside over the senate for any length of

time. When the vice-president succeeds to the presidency, the president *pro tempore* presides at all the sessions of the senate, and he then receives the same salary as the vice-president. It is not right to call the president *pro tempore* of the senate, vice-president of the United States. The two offices are entirely separate and distinct from each other.

Clause 6.—Impeachment.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States, but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Court of Impeachment.—As stated elsewhere, the house of representatives has the sole power of impeachment, but when a public officer has been impeached, he is obliged to appear before the senate to answer to the charges that have been preferred against him. When trying a case of impeachment, the senate is organized as a court, and each senator is obliged to take an oath (or affirmation) that he will try the case fairly.

Impeachment of President.—When the president of the United States is tried, the chief justice of the supreme court presides. This is done to secure impartial rulings on the part of the presiding officer. It was thought advisable to make this provision, as the vice-president, who is first in the line of succession to the presidency, might be unduly interested in securing the removal of the president.

Conviction.—The trial of a public officer on impeachment is a very grave matter, and it is certainly a safe plan to require a two-thirds vote of the senators present to convict a person who has been impeached.

Punishment.—The powers of the senate to punish a public officer on impeachment is limited to removing him from office and declaring him to be forever disqualified to hold and enjoy any position of honor, trust, or profit, under the government of the United States. But any person so convicted is liable to punishment by due process of law, for any crime committed or wrong done, the same as though the impeachment and trial had not occurred.

CHAPTER X.

GENERAL PROVISIONS.

Section IV.—Elections and Meetings.

Clause 1.—Elections to Congress.

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

Congressional Districts.—Election.—This clause explains itself. In the absence of any action by congress, the time, place, and manner of electing members of congress is left to the states. In 1842, congress passed a law providing for the separation of states into congressional districts for the election of representatives, and by another law, that went into effect in 1876, the time of the election of representatives is fixed for the Tuesday after the first Monday in November in each even-numbered year. This law was intended to be uniform in all the states, but in some of the older states the time of the election of representatives was fixed by the state constitution before the law of congress was passed. Some of the states have amended their constitution to conform to the law, but a few have not done so, and in these the election of representatives occurs at some other time.

Prohibition on Congress.—The congress is not permitted to fix the place for the election of senators. This is a wise provision. For some reason, as invasion, insurrection, or an epidemic disease, the legislature of any state might find it necessary to meet at some other place than the capital. In such a case, the election of a senator would not be prevented, if it became necessary to hold the election while the legislature was in session at any other place than the seat of government.

Clause 2.—Meetings.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Time of Meeting.—Although the term of members of congress begins on the fourth day of March in the odd-numbered years, the regular annual session does not convene until the first Monday in December. Congress has never exercised the privilege of appointing a different day than the one fixed by the constitution. The president may call an extra session of congress at any time, and very often the first session of a congress lasts five or six months.

SECTION V.—Separate Powers and Duties.

Clause 1.—Membership: Quorum.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each house may provide.

The first clause of the above paragraph is reasonable, as well as necessary. The qualifications of representatives,

their election, and the manner in which the returns of election are made, differ from those of senators. Each house is directly interested in the qualifications and proper choice of its own members, and no better plan than the one given could have been adopted.

Quorum.—In the transaction of business connected with law-making, it would have been manifestly unfair to give the power to make laws to any smaller number than a majority of all the members When it happens that a smaller number than a quorum is present at the opening of any session, those present may adjourn to the following day. They may, if they choose, direct the sergeant-at-arms to summon absent members and compel their attendance. This, however, can not be done unless there are present at least fifteen members to order it. When there are less than fifteen members present at the opening of a session, they adjourn.

Absence.—No member has a right to be absent from a session unless he is sick or excused. When a member is brought in by the sergeant-at-arms, he is required to give an excuse for his absence, and some very amusing scenes often occur at such times.

Clause 2.—Discipline.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each house of congress has adopted a list of rules relating to its organization, the privileges of members, the duties of its officers, the rules governing debate, and many other items of special interest. It has been found necessary for each house to punish some of its members for dis-

orderly conduct, and some members of each house have been expelled.

Clause 3.—Publicity.

Each house shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, shall at the desire of one-fifth of those present, be entered on the journal.

Journal.—The journal kept by each house contains a complete record of all its proceedings from day to day. This record is read at the opening of the next day's session, and such corrections are made as are found necessary. The journal is read and approved by the presiding officer before it is submitted to the house.

Publication.—If, at any time, the public safety seems to demand that any part of the proceedings of either house shall be kept secret, such part is not published. At other times, the proceedings of both houses of congress are given in full in the journal, which is published as often as may seem necessary. Usually a synopsis of the proceedings of congress from day to day may be had from the daily newspapers.

Voting.—The usual method of voting *viva voce* is quite a simple one, and the presiding officer can generally tell by the sound of the voices whether the motion is carried or lost. If he is in doubt as to the result, he calls upon those who vote in the affirmative to rise from their seats to be counted, and afterwards those voting in the negative. If the presiding officer is still in doubt, or if a count is requested by at least one-fifth of a quorum, he appoints two tellers, one from each side, to count the votes. This method is called voting by tellers.

Yeas and Nays.—The process of voting by yeas and nays is longer than the others, and it is sometimes resorted to by a minority to hinder legislation. Under the rule fixed by the constitution, the yeas and nays may be entered on the journal, whenever it is requested by one-fifth of the members present.

Roll-Call.—In voting by yeas and nays, the names of the members are called in alphabetical order. As each one's name is called, he announces his vote. When the roll has been completed, the list is again read with the record of each vote, for the purpose of correcting errors, if any have been made. The use of this method of voting to delay legislation is called "filibustering."

Clause 4.—Adjournment.

Neither house, during the session of congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Purpose.—This clause was inserted in the constitution to satisfy those members of the convention who were opposed to having two houses of congress. One house has not the power to adjourn for an indefinite period for the purpose of preventing legislation to which its members may be opposed. The language of the clause is so explicit as to require little explanation. Should both houses fail to agree upon a time of adjournment, they may be adjourned by proclamation of the president, but this has never been found necessary.

SECTION VI.—MEMBERS.

Clause 1.—Privileges.

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out

of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

The salary of senators and representatives is fixed by law at five thousand dollars a year. Franklin and a few other members of the constitutional convention were opposed to paying members of congress any salary, but they were overruled. At first, the salary of members of congress was fixed at six dollars a day, and thirty cents a mile for traveling expenses. Several changes were made before the present limit was reached. The salary of the speaker is fixed at eight thousand dollars a year.

Stationery.—Mileage.—In addition to the salary named, each member receives one hundred and twenty-five dollars for stationery, and an allowance of twenty cents a mile for traveling expenses. Mileage is computed upon the nearest route usually traveled in going to and returning from the seat of government. The allowance for stationery and mileage is made for each session of congress, regular and special. The mileage is paid on the first day of the session of congress to those who are present, and to other members as soon as they arrive after the beginning of the session. Stationery is furnished at cost, but any member may draw his allowance for stationery in money, if he chooses.

Freedom from Arrest.—The privilege of freedom from arrest, except in the cases specified, is a wise provision. If it were not for this right, persons desirous of preventing certain legislation might cause the arrest of

members on false or trifling charges, and thus prevent them from attending to their duties as congressmen.

Freedom of Speech.—The freedom of speech guaranteed in debate is for the purpose of permitting members to speak freely and plainly upon any subject under discussion in the process of law-making. This does not prevent either house from adopting rules to govern members in debate. It is intended to prevent members from being arrested on a charge of slander for anything they may have said in debate.

Clause 2.—Prohibitions.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

A wise Provision.—If it were not for this clause of the constitution, offices might be created by congress, and large salaries provided, and these offices given to the members of congress who had been instrumental in bringing about the passage of the law. An office with a large salary and permanent in tenure would be a constant temptation to some members, and resignations would be very common in congress, instead of very rare, as at present.

CHAPTER XI.

LAW MAKING.

SECTION VII.

Clause 1.—Revenue Bills.

All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as on other bills.

English Custom.—This is a plan borrowed from England. In parliament, all bills relating to taxation originate in the lower house. It was thought wise to place the right to propose measures for raising revenue in the hands of representatives, because they are nearer the people, in a sense, than senators are.

Effect of Restriction.—The provision really has but little force, because after a revenue bill has been acted upon by the house, it becomes the property of the senate, and may be disposed of by that body, in the same manner as any other bill.

Clause 2.—Mode of Making Laws.

Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to

reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevents its return, in which case it shall not be a law.

Bills.—A bill is the draft of a proposed law. Any member of either house may introduce a bill on any subject. Every bill adopted by either house is read three times in the presence of the house, and the vote on its adoption occurs immediately after its third reading. The readings occur on different days, unless it is otherwise ordered by a vote of the members under a suspension of the rules.

Passage of Bills. — When a bill has passed one house, it is at once sent to the other house for consideration. There it may be altered, amended, or rejected altogether. If amended, even in the slightest particular, it must be returned to the house in which it originated, and agreed to by that house before it is sent to the president for his approval.

Action of President.—If the president approves a bill that has been passed by both houses in a proper manner, he signs it, and it is then a law. If he does not approve the bill, he returns it to the house in which it originated, stating his objections to it. These objections are

spread upon the journal of the house as a part of the permanent record, and then the bill is reconsidered.

Veto Power.—The refusal of the president to sign a bill is called a veto. The veto power of the president is only partial, for if each house agrees by a two-thirds majority to pass a bill after it has been vetoed by the president, the bill becomes a law, and is of the same force and effect as though it had not been vetoed.

Same.—The veto power of the king or queen of England is absolute in theory, but in practice that power has not been exercised for about two hundred years. The governor of each state in the Union is given the right to veto bills passed by the legislature.

Subsequent Action.—In passing a bill over the president's veto, the vote is always taken by yeas and nays. This is done to insure a careful consideration of the reasons for voting for or against the measure. The vote of each member is recorded, and he is thus put on record, so that his constituents may know just how he voted.

"Executive Neglect."—The president sometimes allows a bill to become a law by the process called "executive neglect." In this case, he neither signs the bill nor vetoes it in the regular way. If the bill is not vetoed nor signed by the president within ten days from the time it is presented to him (Sundays excepted), it becomes a law, unless congress, by adjournment, prevents its return.

Pocket Veto.—If a bill passed during the last ten days of a session of congress is objectionable to the president, he may prevent the measure from becoming a law by taking no action upon it. This method of defeating a bill is called a "pocket veto."

Clause 3.—Joint Resolutions.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Purpose.—This clause was considered necessary in order to prevent the congress from passing a bill that the president might object to, and which could not be passed over his veto, by simply changing it to the form of an order, or resolution. A vote of congress to do something which is not intended to have the force of law, is called a concurrent resolution, and does not require the president's approval.

CHAPTER XII.

POWERS OF CONGRESS.

SECTION VIII.

Clause 1.—Taxation.

Congress shall have power:

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Revolutionary War Debts.—Under the articles of confederation there was no national treasury. Congress had power to recommend that money be raised for various purposes, but it could not levy or collect a single dollar. The credit of the United States was worthless at the close of the revolution, and a moral obligation seemed to rest upon the general government to assume the debts which had been contracted by the states during the war. This was done, and many years elapsed before the burden was raised.

Taxes.—Taxes are authorized by the constitution to be raised for three purposes. These are for the payment of debts, and to provide for the common defense and general welfare of the United States.

Direct Taxes.—Taxes are classed as direct and indirect. By a clause of the constitution already quoted, direct taxes must be levied upon the several states accord-

ing to their population. Direct taxes, when apportioned to the states, are collected by the states, and the amount is then paid into the United States treasury. Direct taxes have always been unpopular in this country as a means of raising revenue for the general government, and this method has not been resorted to except in case of urgent necessity.

War Measure.—In 1861, a direct tax was levied upon the states to aid in paying the expenses of the rebellion, but the amount of money thus raised was restored to the states about twenty years later.

Kinds of Taxes.—Direct taxes are levied upon the property of individuals, or upon the persons themselves, regardless of property. A tax on property, personal or real, is called a property tax, and one on individuals, a poll or capitation tax.

Indirect Taxes.—Duties, imposts, and excises are indirect taxes. They are levied upon certain articles imported into the country, and also upon articles, usually luxuries, manufactured in the country.

Duties.—Duties are of two kinds—specific and *ad valorem*. A specific duty is levied on goods without regard to value. An *ad valorem* duty is levied on goods at a certain per centage of their value in the country from which they are imported.

Tariff.—A law passed by congress to fix the rate of duty upon articles imported into the United States is called a tariff. The word "tariff" is a corruption of "Tarifa," the name of the southern cape of Spain. The Moors, during the middle ages, held this cape, and by means of it, they were able to control the entrance to the Mediterranean sea. The tribute they exacted from merchantmen for passing

through the Strait of Gibraltar without molestation was called a Tarifa tax, or a tariff.

Kinds of Tariff.—The tariff has been a subject of much dispute in the United States, and upon it, political parties have been divided all along through our history. Two theories have been advocated—one, "a tariff for revenue only," and the other, "a tariff for protection." Those who favor the first plan argue that the tariff should be so regulated as to help defray the expenses of the government, and that it should be lowered or removed altogether, if the expenses can be met in other ways.

Protective Tariff.—A tariff for protection is also a tariff for revenue, but in addition to that, the burden of taxation is placed upon those imported articles that are likely to be brought into competition with the same class of articles manufactured or produced in this country.

Export Duty Prohibited.—The United States and the several states are prohibited from levying duties upon exports. Imposts are the same as duties, or customs, and this term might have been omitted from the constitution, without impairing the tax-levying power in any way.

Internal Revenue.—Excises are taxes levied on tobacco, cigars, spirituous and malt liquors, and other articles, greater or less in number, according to the needs of the government. This is the form of taxation known as internal revenue. During the rebellion, many of the necessities of life were subject to an internal revenue tax. Deeds, mortgages, and other legal documents were also subject to a stamp tax for the benefit of the government.

Expenses of Government.—In times of peace, the expenses of our government are enormous, and they would be very much increased in case of war. It now costs more

than half a billion dollars to pay the expenses of the government for a single year.

Debts.—During the rebellion, the sources of revenue were increased in many ways, but, in spite of this, the debt at the close of the war was nearly three billion dollars. A great part of this has been paid, but the common defense and general welfare demand the outlay of large sums of money annually. The subject of taxation has always been, and doubtless always will be, a troublesome one.

Clause 2.—Borrowing.

To borrow money on the credit of the United States.

Borrowing Money.—Several times in our history, our government has been obliged to borrow money on its credit. At the time of the purchase of Louisiana, in 1803, there was not money enough in the treasury to pay for it. Bonds were issued to Napoleon, and this was equivalent to borrowing money, for the credit of the government was pledged to the redemption of the bonds.

National Credit.—During each of the wars in which the United States has been engaged, the credit of the nation has been used, and during the civil war it was taxed almost to the utmost, in order to raise the necessary means to carry on the war.

Clause 3.—To regulate Commerce.

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

Commercial Restrictions.—One of the defects of the old government was that congress had no power to legislate in any way with reference to commerce. The states soon became jealous of each other, and restrictions were

often placed upon the commerce of neighboring states, for no other reason than that of envy or jealousy. It will be remembered that the first convention called after the close of the revolution was for the purpose of improving the commercial relations among the states.

United States Commerce.—The foreign commerce of the United States is very extensive, and it is largely controlled by congress. An inter-state commerce commission is regularly maintained by the general government, for the purpose of regulating commerce among the states. The commerce with Indian tribes is unimportant, but whatever there is, is under the direction of congress.

CHAPTER XIII.

POWERS OF CONGRESS—CONTINUED.

Clause 4.—Naturalization and Bankruptcy.

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.

Naturalization. — Naturalization is the process by which an alien becomes a citizen of the United States. Several laws relating to naturalization have been passed by congress, but the one now in force seems the most satisfactory.

Present Law.—Under the present law, an alien must reside in this country five years before he can become a citizen of the United States. As soon as an alien lands in this country, he may go before any court of record and declare his intentions to become a citizen of the United States. He will then be given a certificate stating the facts in the case as given below:—

Naturalization. — Declaration of Intentions.—

First papers:

UNITED STATES OF AMERICA.
STATE OF } ss.
.....COUNTY.

Before the Undersigned, Clerk of the District Court in and for said county, personally appeared a native of and makes solemn oath that it is *bona fide* his intention to become a

CITIZEN OF THE UNITED STATES,

And to renounce and abjure, forever, all allegiance and fidelity to every Foreign Power, Prince, Potentate, State, or Sovereignty, whatsoever, and particularly to of whom he was heretofore a Subject.

Sworn and subscribed before me, by this day of A.D. 18..*Clerk.*

By*Deputy.*

I, ... Clerk of the District Court in and for said County (a Court of Record, using a seal, and having Common law jurisdiction), do hereby certify that the foregoing is a correct copy of the record, as appears on file now in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court at my office in in said County, this of A. D. 18...

.....*Clerk.*

Per*Deputy.*

Residence.—The full period of residence required of aliens before they can become naturalized is five years. At least two years must elapse between the declaration of intentions to become a citizen of the United States and the completion of the process. Thus, if an alien lives here five years before he declares his intentions to become a citizen, he must continue to reside here two years longer before he can get his second naturalization papers.

Oath of Alien.—At the time of taking out his second papers the alien must appear before a court of record and there renounce, under oath, all allegiance to every foreign power, and especially to the one to which he was subject before coming to the United States. He must also take

with him two persons to testify that they have been acquainted with him for the preceding two years, and that they believe him worthy to be made a citizen of the United States. The form of the oath of naturalization is here given, and that of the certificate also:—

Naturalization.—

Second Papers:

UNITED STATES OF AMERICA.
STATE OF } ss.
..... COUNTY.

Be it Remembered, That at a term of the District Court holden in and for said County, in therein, on the day of in the year of our Lord one thousand eight hundred and ninety was present the Honorable sole presiding Judge, ... Sheriff of said County, and Clerk of said Court, when the following among other proceedings were had, to-wit: a native of and at present residing within said State, appeared in open Court and made application to be admitted to become a

CITIZEN OF THE UNITED STATES;

And it appearing to the satisfaction of the Court that he had declared on oath before a Court of Record having common law jurisdiction and using a seal, two years at least before his admission, that it was *bona fide* his intention to become a Citizen of the United States, and to renounce forever all allegiance to any foreign Prince, Potentate, State or Sovereignty, whatsoever, and particularly to of whom he was heretofore a subject.

And said applicant having declared on oath, before this Court that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce

and abjure all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty whatsoever, and particularly to the Power above named. The Court being satisfied that said applicant has resided within the United States for the term of five years next preceding his admission, without being at any time during the said five years out of the territory of the United States, and within this State one year at least; and it further appearing to the satisfaction of this Court that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. Thereupon the Court admitted the said applicant to become a CITIZEN OF THE UNITED STATES, and ordered all proceedings aforesaid to be entered of record, which was accordingly done by the Clerk of this Court.

In Testimony Whereof, I, ... Clerk of the Court aforesaid, have hereunto set my hand and affixed the Seal of said Court, at my office in in said County, this the day of in the year of our Lord one thousand eight hundred and ninety

.....

Clerk of District Court.

..... *Deputy.*

Exceptions.—There are some exceptions to the general naturalization law. An alien who has served one year in the army or navy of the United States and been honorably discharged, may become a citizen at once by taking the oath of allegiance. An alien woman becomes a citizen by marriage with a citizen. If an alien who has declared his intentions to become a citizen dies, his widow may complete the process of naturalization for the benefit of herself and children.

Minors.—Minor children are naturalized by the act of the father. Minors who have come to this country before they were eighteen years of age may declare their intentions and take out full naturalization papers at the same time, provided they have lived here five years, and are at least twenty-one years old.

Bankruptcy Laws.—The justice of bankruptcy laws has always been questioned by able jurists. Under the confederation, the states passed bankruptcy laws, and there was no uniformity in their provisions.

Effect.—A bankruptcy law gives a debtor the right to appear in court, and, under oath, to certify to all the property belonging to him which is not exempt by law from attachment for debt. By turning over this property to the court, for the benefit of his creditors, the proceeds will be divided proportionately among them, and the entire debt will thus be canceled. The debtor may afterwards accumulate a large amount of property, but it can never be seized to pay debts contracted before he took advantage of the provisions of the bankruptcy law.

No Bankruptcy Law.—Congress has passed several bankruptcy laws, but there is none now in force. The last law of this kind expired by limitation September 1, 1879.

CHAPTER XIV.

POWERS OF CONGRESS.—CONTINUED.

Clause 5.—Coinage and Measures.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Coinage.—The right to coin money belongs primarily with the nation, and not with the state. Under the power conferred upon congress by the first part of this clause, laws relating to the coinage of money have been passed, and mints owned and operated by the general government have been established.

United States Mints.—The main mint of the United States is at Philadelphia. It was established in 1791. There are also United States mints at New Orleans, San Francisco and Carson City. Each of these mints, except the one at Philadelphia, has a mint mark which is placed on the reverse side of all the principal coins. "O" is the mint mark for New Orleans, "S" for San Francisco, and "C C" for Carson City. A law has also been passed establishing a mint at Denver, but the mint has not yet been opened.

Coins.—Gold, silver, nickel, and bronze are now coined into money by the authority of congress. The gold coins are the double eagle, the eagle, half eagle, and quarter eagle. The silver coins are the dollar, half dollar, quarter dollar, and dime. The baser coins are the five cent and the one cent piece.

Legal Tender.—Gold coins and silver dollars are legal tender for the payment of debts in unlimited amounts, but all other coins are limited to five dollars as a legal tender. A private citizen may have gold bullion coined into money at the United States mint without expense. This is called free coinage. Many persons advocate a similar law relating to the coinage of silver.

Portraits on Coins. — President Washington was urged to allow his portrait to be used on the principal coins of the United States, but he objected on the ground that in a republic no man's portrait should be placed on its coins. That plan has been followed through our history down to the present time. The profile on the standard silver dollar is a portrait of Miss Annie L. Williams, a school teacher of Philadelphia.

Value of Coins.—The power of congress to regulate the value of coins is an important one. At present the gold dollar as a unit of value, contains twenty-five and eight-tenths grains, nine-tenths fine, and the silver dollar four hundred twelve and one-half grains, and of the same degree of fineness as the gold dollar. The metal in a silver dollar is often worth less than a dollar as bullion, but the stamp of the government causes it to pass at its face value. Congress does not attempt to regulate the value of foreign coins, as the number circulated in the United States is very small.

Weights and Measures.—Congress has power to establish a uniform system of weights and measures, but it has never exercised it. The metric system of weights and measures has been recommended for general use, but the recommendation has had but little force.

Clause 6.—Punishment of Counterfeiting.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

Counterfeiting.—During the Revolution congress was obliged to issue large amounts of paper money, and, with the poor facilities for engraving and printing it, the work was not well done, and it was also easily imitated. To make the matter worse, and perhaps with the thought of entirely ruining the credit of the United States, large sums of counterfeit money were printed in England and sent over here to be given away, or used in exchange for American manufactures and other products. In this way, the money of the government became worthless, and its credit well nigh ruined.

Counterfeiting Paper Money.—Of late years, the art of the engraver has made it very difficult to imitate our paper money, and the penalty for counterfeiting is severe. The crime of counterfeiting is a felony, and the penalty, as fixed by law, is printed on the back of greenbacks and national bank notes. On greenbacks, it is as follows:

"Counterfeiting or altering this note, or passing any counterfeit or alteration of it, or having in possession any false or counterfeit plate or impression of it, or any paper made in imitation of the paper on which it is printed, is felony, and is punishable by five thousand dollars ($5,000) fine, or fifteen (15) years imprisonment at hard labor, or both."

Counterfeiting Coins.—The penalty for counterfeiting the coins of the United States is also very severe. Officers of the government are employed to detect counterfeit money of any kind, and, if possible, to arrest the criminals engaged in its manufacture or use.

Safe Money.—It is safe to say that there is almost no counterfeit money now in circulation. So certain do we feel that all the paper money in use is genuine, that we rarely examine it, except to be sure of the amount it represents. The kinds of paper money now in circulation are greenbacks, national bank notes, silver, gold and coin certificates.

Clause 7.—Postoffices.

To establish postoffices and post roads.

Postal System.—The postal system of the United States originated with Benjamin Franklin. At the organization of the government in 1789, there were only seventy-five postoffices, but now there are about sixty-five thousand. All the people are brought in contact with this branch of the public service, and in no other way has the government done so much "to promote the general welfare."

Rate of Postage.—Fifty years ago the rate of postage was very high, and it varied according to the distance the letters were carried. If the distance was less than thirty miles, the postage was six cents; more than thirty and less than eighty miles, ten cents; and over four hundred miles, twenty-five cents. The charge now is merely nominal, and it is uniform throughout the United States without regard to distance. The rate of letter postage is two cents an ounce or fraction thereof. Circulars and other advertising matter, books, merchandise, money, and many other things, are sent to all parts of the country by mail at a nominal charge, and yet the receipts of the postal department make it almost self-supporting.

International Postal Union.—The United states is also a member of an international postal union, and, by means of this, letters may be sent to any foreign country

belonging to the postal union, at the uniform rate of five cents per half ounce.

Money may be sent to all parts of the United States by means of postal orders, which may be purchased at all the important postoffices in the United States. International money orders are also used to send money abroad.

Classification.—Postoffices are divided into classes, according to the amount of business transacted.

First Class.—First class offices are those whose annual receipts are forty thousand dollars and upwards, and the salaries of postmasters in such offices vary from three thousand to six thousand dollars a year. The postmaster of the city of New York is allowed eight thousand dollars a year, and the postmaster of Washington, D. C., five thousand dollars.

Second Class.—In second class offices the receipts range from eight thousand to forty thousand dollars a year, and the salaries from two thousand to twenty-nine hundred dollars.

Third Class.—The receipts in third class offices must be not less than nineteen hundred nor more than eight thousand dollars. The range of salaries is from one thousand to nineteen hundred dollars, by even hundreds.

Fourth Class.—Postmasters of the fourth class receive salaries varying according to the amount of business transacted. All of the box rent collected by them, and also a commission on canceled postage-due stamps, form part of the salary. In addition to this, they are allowed one hundred per cent. of the value of all postage stamps and postal cards canceled by them, and of all amounts received from the sale of waste paper, dead newspapers, and other printed

matter, and twine, not to exceed in value fifty dollars for each period of three months; on the next hundred dollars received from such sources per quarter, sixty per cent; on the next two hundred dollars, fifty per cent; and on the next two hundred dollars, or less, forty per cent. Salaries of fourth class officers vary from one quarter to another, as they are based upon a percentage of the business of the offices.

Adjustment.—Salaries are readjusted annually, and if the receipts of any office grow so large early in the year as to change the class to which that office belongs, the readjustment will not be made until the end of the postal year, which is March 31.

Post Roads.—Post roads are routes designated by the government over which the mails are carried. They consist of railroads, steamship routes, and wagon roads. These post roads are not special routes constructed at government expense, but any route by which mail is conveyed is called a post road.

CHAPTER XV.

POWERS OF CONGRESS.—CONTINUED.

Clause 8.—Copyrights and Patents.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

Patents.—A patent is a certificate issued by the authority of the government to the inventor of any useful article, or the discoverer of any useful process, by means of which he is given the exclusive right to manufacture and sell his production. Models of the various articles patented in the United States are kept in the patent office at Washington. Patents are issued by a commission that is in charge of that branch of the interior department.

Expense.—Letters patent, as the certificate is called, secures to the inventor the exclusive right to his patent for seventeen years, and a patent may be re-issued. The expense of obtaining a patent is thirty-five dollars. Fifteen dollars must accompany the application, and this money will not be returned to the applicant, even if he is not granted a patent. It is used to defray the expense of the careful search through the models in the patent office to see that the article is not like some similar one already covered by patent.

Copyright.—A copyright is a privilege granted to authors and designers, and it is intended to secure to them the exclusive right to their productions. Any person wish-

ing to copyright a book, map, chart, or other similar article, must make application to the librarian of congress before the publication is made.

Cost.—The fee for recording the application for copyright is fifty cents, and the certificate issued to the applicant costs fifty cents. These fees must accompany the application. Two copies of the article copyrighted must be sent to the librarian of congress within ten days after its publication.

Notice.—Every book or other article under copyright must contain a notice to the public in one of the following forms: "Entered according to act of congress in the year, by in the office of the librarian of congress, at Washington, D. C.," or "Copyright, 18.., by" Any person who uses either of these forms contrary to law is subject to a fine of one hundred dollars.

Duration.—A copyright secures protection to the author for twenty-eight years, and, if application is made for a renewal six months before that time expires, the copyright will be extended for fourteen years. The application for a renewal may be made by the author himself, or by his legal heirs.

Clause 9.—United States Courts.

To constitute tribunals inferior to the supreme court.

Judicial Department.—This clause is an important one, and congress, exercising the authority granted by it, has established several important courts, some of them inferior only in name to the supreme court. Owing to the relation of these courts to the supreme court, the whole subject will be discussed as the judicial branch of the government.

Clause 10.—Crimes at Sea.

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Piracy.—Piracy is a crime committed on the high seas which is equivalent to robbery on land. Congress has passed stringent laws for the punishment of piracy, and as other civilized nations have taken similar action, this crime is now of rare occurrence.

Low Water Mark.—The jurisdiction of a state bordering on the ocean extends to low water mark, but the nation has control of oceanic waters for a distance of three miles outside of low water mark. The nation also controls the gulfs and bays that indent its coasts.

Citizens.—The offenses against nations referred to here apply only to citizens of the United States. Each nation is responsible to every other nation for the acts of its citizens. The United States has been called upon to make reparation for the injuries done to citizens of other countries, and the power of our government is often invoked to protect the rights of our citizens abroad.

Clause 11.—Declaration of War.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

War.—One of the sovereign powers of a nation is that of declaring war. The United States has been engaged in two important wars with other nations, and in the great Civil War.

Declaration.—A delaration of war is a very important step for any nation to take. It is a formal proclamation to the world that war is about to begin, and war is always dreadful.

Powers of Congress.—When congress has declared war against a nation, a treaty of peace is necessary in order to terminate the war. A treaty is agreed to by ambassadors appointed for that purpose, but the terms of the treaty must be ratified by the president and senate. A two-thirds vote of the number of senators present is necessary for the ratification of a treaty.

National Wrongs.—Sometimes a nation refuses or neglects to make reparation for the wrongs done to another nation, or to its citizens. The injured nation may issue a license to its naval officers, authorizing them to seize the subjects or property of the offending nation found on the high seas, and to hold them subject to the law of nations governing such cases. The seizure of property in this manner is not considered piracy, or in any sense criminal.

Marque and Reprisal.—The license to make the seizure referred to is called a *letter of marque*, and the authority to take the property seized into the ports of the injured nation, a *letter of reprisal.*

Prize Courts.—The United States, in time of war, designates certain ports into which prizes may be taken by officers acting under letters of marque and reprisal. At these ports, prize courts, or courts of admiralty, as they are often called, are established, and if it is found by them that the seizure has been properly made, the property is sold, and the money received is divided among the officers and crew in a manner prescribed by law.

Clause 12.—Maintenance of Armies.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Armies.—The power to declare war would have little force unless accompanied by the right to raise and equip

armies. The members of the constitutional convention were divided in opinion concerning the power of congress to raise armies, and the people also, when called upon to ratify the constitution, were found to be much opposed to this part of the document.

Appropriations.—As a safeguard to the people, it is provided that an appropriation for the support of the United States army shall not be made for a longer period than two years. By this means, if a war proves unpopular, representatives favoring the wishes of the people could be elected, and the war terminated through lack of support of the army.

Standing Army.—It has been the policy of the United States to maintain a small standing army. There are now in the army less than twenty-eight thousand men, including all the officers. This is vastly different from the condition in Europe. There each nation is obliged to support a large army for self-protection, so that Europe is said to be on a war footing constantly, and millions of men are kept in training all of the time to be ready for war at a moment's notice.

Position of United States. — The geographical position of the United States makes it less necessary for the nation to support a large standing army. Controlling the large area that it does, extending from ocean to ocean, and with little danger possible from its neighbors, north and south, the United States is more secure than any other large civilized nation on the earth.

Militia.—In case of war, the United States could call out the militia of the several states. This includes all able-bodied male citizens between the ages of eighteen and forty-five years, with a few exceptions. Of these, there are in

the United States more than thirteen million, according to the census of 1890. During the Rebellion, President Lincoln issued several calls for volunteers to enlist in the army of the United States, and hundreds of thousands answered the call.

CHAPTER XVI.

POWERS OF CONGRESS.—CONTINUED.

Clause 13.—The Navy.

To provide and maintain a navy.

Navy.—The navy of the United States is even less imposing than its army. There are now employed in the navy seventy-five hundred men, and seven hundred and fifty boys. The marine service is also very limited, consisting, as it does, of only two thousand men.

Naval Vessels.—The navy contains less than seventy-five vessels of all kinds, armored and unarmored, that could be called into service in time of war. In addition to these there are about sixty tugs and school ships, and ships condemned as unseaworthy but which have not been destroyed.

Clause 14.—Army and Navy Regulations.

To make rules for the government and regulation of the land and naval forces.

Military Academy.—Congress has passed many laws relating to the government of its land and naval forces. To provide for the proper training of army officers, there is a military academy located at West Point, New York, and supported at government expense. This academy was opened in 1812, and more than three thousand officers have graduated from it.

Cadets.—Each congressional district in the United States is entitled to send one cadet to the military

academy. The appointment is usually determined by competitive examination, and the person chosen must be thoroughly prepared in the common branches of study, and be physically perfect. Cadets are paid five hundred and forty dollars a year for four years, and the graduates receive the rank and pay of second lieutenants.

Naval Academy.—The naval academy was founded in 1845, by George Bancroft, the noted historian, who was then serving as secretary of the navy. During the Rebellion, this school was transferred to Newport, Rhode Island. Cadets are appointed from the congressional districts of the United States, and each is bound to eight years service in the navy, six years of the time being spent under the direction of the academy. The allowance made each naval cadet is five hundred dollars a year.

Clause 15.—The Militia.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Commander-in-Chief. — The constitution provides that the president shall be commander-in-chief of the land and naval forces of the United States. The governor of each state is empowered to call out the state militia to enforce the laws of the state and maintain peace within its borders, but he has not the power to send them outside of the state. The president may call out the state militia to aid in executing the laws of the Union, or to suppress insurrections, and repel invasions.

Clause 16.—Organization of the Militia.

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be

employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

Training Militia.—If it were not for this provision, by means of which uniformity in military training is secured, the militia would be of little value, when called into the service of the general government. It is proper to permit the states to choose the officers of the militia, but the training of all, officers and privates alike, should be the same for all the states.

Clause 17.—Exclusive Legislation.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by the cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

Seat of Government.—Washington was empowered by congress, at its first session, to locate the seat of government at some point on the Potomac river. This he did in 1790, and the capital was removed from Philadelphia, to the city of Washington in 1800. The site chosen for the seat of government is known as the District of Columbia. Maryland gave sixty-four square miles of territory, and Virginia, thirty-six. In 1846, the government ceded to Virginia its original part, leaving only the Maryland grant in the District.

How Controlled.—For seventy years congress governed the District of Columbia by direct legislation, and

then it tried the experiment of giving it a territorial organization. This did not prove satisfactory, and, after three years' trial, the government was placed in the hands of three commissioners who are appointed by congress.

Washington.—The city of Washington contains the capitol and many other large and costly buildings belonging to the United States. It is there that much of the business of governing the country is transacted. Congress, the president and his cabinet, and the supreme court do their work there, and the ambassadors from foreign countries reside there during the time of their appointment.

United States Property.—The United States owns custom houses, navy yards, postoffices in many large cities, and other property in different parts of the country. Land is obtained for these purposes from the several states, but the states usually reserve certain rights to the land. As a rule, the deed to the land contains a reverting clause, so that the land will become the property of the state or individual granting it, in case the government fails to use it for the purpose for which it was granted. The right to serve writs or other legal notices for the enforcement of the laws of the state is also reserved by the state. This is done to prevent these places from becoming a place of refuge for criminals fleeing from state authority.

Clause 18.—Legislative Power.

To make all laws which shall be necessary for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Summary.—This clause is a grand summary of the powers of congress. It will be seen that the constitution

states many things about which congress may legislate, but this is only for the purpose of pointing out some of the most important subjects requiring general legislation. In order to show that congress has power to legislate in matters not specified, this last provision is wisely inserted. There are in the employ of the general government—in all branches of the public service, including the military, naval, and marine departments—fully two hundred thousand persons. All laws relating to these officers, their duties, terms, and salaries, have been passed by congress.

CHAPTER XVII.

PROHIBITIONS.

Clause 1.—The Slave Trade.

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Slavery.—The curse of slavery had its beginning in this country in 1620, when a Dutch trader brought twenty negroes from Africa and sold them to the planters of Virginia as slaves. Other importations followed, until, at the time of the Revolution, slaves were owned in all the colonies.

Sectional.—Slavery was never very popular at the North, partly because slave labor could not be made so profitable as in the milder climate of the South, and yet there were some slaves owned in New England as late as 1840.

Cotton Gin.—The invention of the cotton gin by Eli Whitney, in 1793, gave a wonderful impetus to the production of cotton at the South, and as slave labor could be used to great advantage in the production of cotton, the value of slaves rapidly increased. Although Washington owned slaves, he was opposed to slavery as an institution, as were many other members of the constitutional convention.

Concession.—To satisfy some members of the convention, it was agreed that congress should not pass any law to prohibit the importation of slaves prior to 1808. It was supposed that the new government would be organized about the beginning of 1788, and this prohibition was intended to last for twenty years thereafter.

Restrictions.—The importation of slaves after the first of January, 1808, was prohibited by congress, and penalties were prescribed for the violation of the law. But because slavery had become profitable, the law was often violated. In 1820, congress declared that any citizen of the United States who should engage in the foreign slave trade was guilty of piracy, and attached the death penalty to the crime. Slavery was finally abolished by the thirteenth amendment to the constitution, which was adopted in 1865.

Clause 2.—The Writ of Habeas Corpus.

The privileges of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Habeas Corpus.—The right to a writ of habeas corpus is one of the strongest safeguards to personal liberty. An innocent person may be arrested, charged with having committed a heinous crime. Instead of being compelled to wait several weeks or months for a hearing, he may demand a writ of habeas corpus in the method prescribed by law. This writ is placed in the hands of the sheriff, or other ministerial officer, and he is directed to take the person under arrest before the proper judicial authority, who will at once decide whether the person accused of the crime is legally held to answer for the crime, or not.

Effect of Writ.—The examination by virtue of a writ of habeas corpus is not a formal trial of the person under arrest, as it is intended to decide only the legality of the arrest. Congress has conferred upon the president the right to suspend the privilege of this writ in time of public danger. The writ can be suspended only in the places actually suffering from invasion or insurrection.

Clause 3.—Laws Forbidden.

No bill of attainder or ex-post-facto law shall be passed.

Prohibition.—It would hardly seem necessary to have this prohibition placed upon congress, and yet it must be borne in mind that the founders of our government wished to protect the people against unjust or arbitrary legislation.

Ancient English Custom.—Parliament had passed bills of attainder declaring British subjects guilty of crimes punishable by death. Such a bill was a judicial declaration in the form of law, and the person attainted had no chance to defend himself in the courts. Not only was he denied the right to a judicial trial, but his estate was often confiscated by the crown, and, in the case of treason, his legal heirs were disinherited.

Ex-Post-Facto Laws.—An ex-post-facto law is also very unjust. It has the effect of making laws retroactive. By it an act committed to-day may be to-morrow declared by law to be a crime. In other words, it makes an act criminal that was not a crime at the time it was committed.

Clause 4.—Direct Taxes.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Direct Taxes.—The levying of direct taxes is made unpopular by this clause. That was not the intention of the founders of our government, it may be, but the division of taxes according to the population is not resorted to in local affairs, and the plan does not seem to meet with popular favor as a means of raising national revenue.

Clause 5.—Duties on Exports.

No tax or duty shall be laid on articles exported from any state.

Export Duties.—This clause was intended to give articles of export from the several states an equal chance in competition in trade everywhere. Export duties are seldom popular in any government. The export duties here prohibited are understood to apply to the United States as well to the states individually.

Clause 6.—Commercial Restrictions.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.

Commercial Privilege.—This provision was inserted in the constitution to allay the fears of some of the states that a preference for the ports of one state might give that state a decided advantage over the others commercially. The second part of the clause insures certain rights to merchant vessels in carrying on commerce among the states.

Clause 7.—Care of Public Funds.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular

statement and account of the receipts and expenditures of all public money shall be published from time to time.

Appropriations of Money.—Large sums of money are required to carry on the government, even for a year, and it is eminently proper to have all appropriations of the public funds regulated by law. Many items of expense are authorized by general provision of law, as, for example, the payment of salaries of president, congressmen, judges, and other officers. In addition to this, special appropriations are made at each session of congress to defray incidental and unusual expenses of the government.

Government Expenses. — The expenses of the United States in all departments of the public service amount to nearly two million dollars a day for every day in the year. Some of this money is paid in fees which are used to defray the expenses of the office collecting them, and, as stated elsewhere, the postal service is almost self-supporting.

Publication.—In a republican government the people claim the right to know about how the public money is obtained, and for what purpose it is expended. The secretary of the treasury is called upon at least once a year to report to the president the financial condition of the country, and he gives much valuable information to the people concerning the finances of the government. The "Sundries Appropriation Bill," passed by congress at each session, shows in detail the special appropriations made by that body.

Clause 8.—Titles of Nobility.

No title of nobility shall be granted by the United States, and no person holding an office of profit or trust under them

shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Nobility.—If titles of nobility had not been prohibited by the constitution, there would doubtless have been many attempts to establish such titles by law, all along through our history. The design of the founders of our government was to prevent any form of aristocracy from gaining a foothold in this country under sanction of law. In short, it was their intention to establish a democracy—a government of the people.

Prohibition.—The allegiance of citizens of the United States is due to our own government, and the obligation is certainly strong upon those who are chosen to positions of honor or trust among the people. If any public officer were permitted to receive gifts of any kind from any foreign power, it would seem to be for some sinister purpose. Congress has given its consent to public officers at different times, permitting them to receive gifts from foreign powers. In general, the prohibition is a wise one, and it has often been urged that no citizen of the United States should be permitted to receive a gift of any kind from any foreign power.

SECTION X.—On the States.

Clause 1.—Unconditional.

No state shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Restrictions Upon States.—Before the constitution of the United States was ratified, the several states were independent republics, each one a small nation by itself. But, on entering the Union, it became necessary for the state to surrender certain rights and privileges that it had previously enjoyed, in order that the general government might be made strong. The unconditional prohibitions of this clause were necessary to promote the general welfare of all the states.

Same.—If the states were permitted to enter into alliances of any kind with foreign nations, it would not be long until the nation would be forced into war in self defense, perhaps through the hasty or thoughtless action of a single state. No state was compelled to enter the Union, nor could it gain admission into the sisterhood of states without surrendering those prerogatives that would be likely to cause a conflict between state and national authority.

Clause 2.—Conditional Prohibition.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports; except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as not to admit of delay.

State Revenue.—It has come to be the policy of the states to raise revenue for the support of the state govern-

ment by means of direct taxes. This seems to have grown out of the prohibition placed upon them by this clause. It will be seen that any state may pass laws providing for the proper inspection of articles of merchandise imported into the state.

Inspection Laws.—Nearly all the states have passed laws for the testing of illuminating oils, and the cost of inspection may be charged to the owners of the oil at the time the inspection is made. Barrels or tanks containing the oil are stamped by the inspector in such a way as to show the result of the test.

Food Inspection.—Meats and other articles of diet are required to be inspected by the laws of some of the states, and they are permitted to pass such laws by the privilege granted in this clause. Should there be any income after paying the actual cost of inspection, it must be paid into the treasury of the United States.

Nation Supreme.—The language of the last sentence of this clause is so definite as to require little explanation. The whole purport of the constitution is to make state authority subordinate to that of the general government in all matters of common interest. The natural law of self-preservation would justify a state in acting in self-defense in case of imminent danger or actual invasion.

CHAPTER XVIII.

ARTICLE II.—The Executive Branch.

SECTION I.—Executive Power.

Clause 1.

The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, shall be elected as follows: (See Clause 2.)

Executive Authority.—The framing of this part of the constitution was a very difficult one. Under the articles of confederation there was no executive authority, except such as congress could exert incidentally. Every point relating to the executive was carefully discussed, and changes were frequently made in the provisions relating thereto.

Executive Council.—Some members favored an executive council of the government to consist of three members, instead of having a single president. It was thought best to adopt the plan of having but one executive, and the committee having this matter in charge decided that the title of the president should be, "His Excellency." As this seemed to point to the establishment of what might be considered by some a title of nobility, it was discarded.

Term.—What should be the length of the presidential term of office? Some favored an annual appointment or

election. Others were in favor of having the executive serve during life or good behavior. Between these extremes there seemed to be all possible shades and differences of opinion. The first plan actually agreed to was, that the president should be chosen for a term of seven years, and that he should be ineligible to re-election.

Change. — For some reason it afterwards seemed advisable to change this provision, and after another prolonged discussion, it was decided to make the presidential term four years, and to say nothing about re-election.

Number of Terms. — Washington was urged to become a candidate for a third term, but he deemed it unwise, and the example he set has been followed all through our history. Washington, Jefferson, Madison, Monroe, Jackson, Lincoln, Grant, and Cleveland are the only presidents that have been re-elected. Only three of the presidents have been re-elected during the past sixty years. It seems as though the people of the United States favor a single term for the executive.

Vice-President.—The office of vice-president met with much opposition. Several prominent members of the convention argued against the office as needless, but the majority of the states became convinced of the need of such an officer as the vice-president, and the office was established as provided in this section.

Clause 2.—Number and Appointment of Electors.

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Manner of Choosing.—Several plans for the election of president and vice-president were proposed, and after much discussion the one given above was adopted. Some members favored the election of the president by congress, and others, by the people. The election by the United States senate, by electors chosen by the governors of the several states, by electors chosen by the state legislatures, and by electors chosen by lot from the membership of congress, were some of the recommendations made. From this we may see what varied opinions prevailed among the members of the convention. Yet the discussions were carried on with the sole intention of doing what was best for the whole people, and the work was grandly done.

Choice of Electors.—The state legislatures have, in most cases, provided for the choice of presidential electors at the general election every fourth year. Each political party desiring to choose a president and vice-president holds a national convention, early in the year, and nominates candidates for those offices. Then a state convention of delegates is held by each party, and as many candidates for presidential electors are nominated as there are members of congress from that state.

Number of Electors.—Iowa has two senators and eleven representatives in congress, and each political party in the state nominates thirteen presidential electors. In voting, each elector casts a ballot for the thirteen electors nominated by the party to which he belongs. The party casting the largest number of votes at the general election elects the full number of presidental electors. These electors are morally, or at least politically, bound to vote for the nominees of the party for president and vice-president.

Prohibition.—The prohibition placed upon senators, representatives, and persons holding positions of trust or profit under the government is intended to make the choice of president and vice-president entirely free from the political bias that is likely to attend the holding of office. It was the intention of the founders of the government to permit each elector to vote for any eligible person for these offices, independent of his political preferences, but this has never been the practice.

Clause 3.—Election of President and Vice-President.

(For the language of this clause, see copy of the constitution.)

Original Plan.—The original clause provided that the presidential electors must vote for two persons without expressing their preference for president and vice-president. The person having the largest number of votes, if a majority of all, was elected president, and the one having the second largest number was the vice-president. The plan worked well at the first three presidential elections, but at the election in the year 1800, no person received a majority of all the votes cast by the presidential electors. The failure of the electors to choose a president threw the election into the house of representatives.

Election of Jefferson.—The election in the house was made by the old plan of voting, each state having but one vote. Of the sixteen states represented, eight voted for Jefferson, six for Burr, and the vote of the other two states was divided. It was not until the thirty-sixth ballot was taken that Jefferson received a majority of all the votes. On that ballot he had ten votes, Burr four, and two states were again divided.

Change of Plan.—Jefferson was the representative of one political party, and Burr of the other, and both had

aspired to the presidency. It was reasonable to suppose that Burr would not change his political views or endeavor to bring his opinions into harmony with those of the president. The same trouble was likely to arise every time the election of president and vice-president devolved upon the house of representatives.

Twelfth Amendment.—The twelfth amendment to the constitution, adopted in 1804, was intended to prevent the choice of president and vice-president from different political parties. The twelfth amendment is here inserted and discussed instead of in its historical place among the other amendments.

CHAPTER XIX.

The Executive Branch.—Continued.

THE TWELFTH AMENDMENT.

The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president when-

ever the right of choice shall devolve upon them, before the fourth day of March, next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

Choice of Candidates.—It is sometimes asserted that the president and vice-president cannot be elected from the same state. This is not likely to occur, but the constitution does not prohibit it. Political parties always take the precaution to nominate their candidates for president and vice-president from different states in order not to disqualify the electors from any state from voting for the candidates for both offices.

Illustration.—This may be made plain by a single illustration. New York now has thirty-six electoral votes. Suppose one of the great political parties should select its candidates for president and vice-president from that state, and that it was successful in electing its presidential electors in that state. When the electors met to cast their votes, they could vote for but one of the candidates, because of the constitutional provision that one of the candidates must not be a resident of the same state as themselves.

Clause 4.—Times of These Elections.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Summary.—The following summary may aid in the study of this subject:

1. Nomination of candidates for president and vice-president by each of the great political parties.

2. Nomination of presidential electors by state conventions.

3. Election of presidential electors — the Tuesday next after the first Monday in November, in every fourth (leap) year.

4. Meeting of presidential electors — usually at the state capitol on the second Monday in January following their election.

5. At this meeting, the ballots of the electors are cast for the nominees of their party for president and vice-president.

6. The ballots must be separate and distinct, each showing the name of the candidate and the name of the office.

7. Three separate lists of the votes are made, signed by the electors, sealed and certified.

8. One list is sent to the president of the United States senate by mail; the second is sent to him by special messenger, generally by one of the electors chosen for that purpose; the third is deposited with the judge of the United States district court for the district in which the electors meet.

9. The certificates from all the states are opened and counted in the presence of both houses of congress on the second Wednesday in February.

House of Representatives.—In case there has been no choice made by the electors, the house of representatives proceeds at once to the election of a president, and the senate to the election of a vice-president. In addition to the election of Jefferson, in 1801, the house of representatives chose John Quincy Adams president, in 1825.

Senate.—Richard M. Johnson was chosen vice-president by the senate in 1837, the only time that the election of the vice-president has devolved upon that body.

Joint High Commission. — In 1876, there arose a dispute in some of the states as to the choice of presidential electors, both of the great political parties claiming the election of their candidates. The matter could not be decided by congress in any way known to the constitution. It was finally agreed that a joint high commission, consisting of five senators, five representatives, and five judges of the supreme court should be appointed to settle the matter.

Work of Commission.—This commission did not elect the president, as it is sometimes stated. There are only two ways by which the president can be chosen. The commission was empowered to take testimony, examine into election frauds, and, if possible, decide which presidential electors had been properly chosen in the disputed states. The commission decided that Rutherford B. Hayes had received one more electoral vote than his opponent, Samuel J. Tilden.

Electoral College.—The presidential electors of a state are often called the electoral college and the same term is applied to all the presidential electors of the United States. These officers are usually paid a small *per diem*, and mileage sufficient to defray their necessary traveling expenses. Each state regulates this matter by law. Presi-

dential electors in Iowa are paid five dollars a day for the time actually employed in the discharge of their duties, and five cents a mile for the necessary distance traveled in going to and returning from the seat of government.

Clause 4.—Qualifications.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Qualifications of President.—It would seem to be the part of wisdom to restrict the right to hold the highest office within the gift of the people to native-born citizens of the United States. Many of the ablest members of the constitutional convention, and many other persons who had done much to help the colonies in their struggle for independence, were not born in this country. It was for these two classes of persons that the exception was made, so that they would be eligible to the presidency, if citizens of the United States at the time of the adoption of the constitution. The exception does not now apply, of course.

Age.—The minimum age required for president and vice-president is certainly low enough. No person has ever been chosen to either of these offices at so early an age as thirty-five years.

Residence.—The latter part of this clause has always been a matter of dispute among students of the constitution. It was evidently the intention of the founders of the constitution to have the "fourteen years a resident within the United States" apply to the fourteen years immediately

preceding the election. This number of years covers the period from twenty-one years, the earliest voting age, to thirty-five years, the minimum age at which a person may be elected president or vice-president.

Interpretation.—In the absence of any interpretation of this clause by the supreme court of the United States, the language of the constitution must be taken literally. Viewed in this way, any fourteen years of residence within the United States would fill the requirement of this clause; but there is little doubt that the term intended by the founders of the constitution was the fourteen years immediately preceding the election.

Property Qualifications Suggested.—The qualifications required for president and vice-president were not agreed to without a great deal of discussion. Some members of the convention favored a property qualification, and one, more specific than the others, stated that, in his opinion, any person elected president should be required to certify under oath that he was the owner of real estate to the value of one hundred thousand dollars.

Vice-President.—The qualifications of vice-president are the same as those of president. This is perfectly proper, as the vice-president may, at any time, be called to the presidency.

Article 5.—Oath.

Before he enter on the execution of his office, he shall swear or affirm,

1. That he will faithfully execute the office of president of the United States; and

2. That he will, to the best of his ability, preserve, protect and defend the constitution of the United States.

How Administered.—This oath is administered to the president by the chief justice of the supreme court, and generally in the presence of thousands of people who have assembled to witness the ceremony. As the supreme court had not been organized when Washington was inaugurated, the oath was administered to him by Chancellor Livingston, of New York.

Clause 6.—Vacancies.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

Presidential Succession.—Three years after the adoption of the constitution, congress passed a law which named the president *pro tempore* of the senate and the speaker of the house of representatives as the officers in the line of succession to the presidency, in case of the inability of both president and vice-president to serve.

Need of Change.—By the death of President Garfield, Chester A. Arthur succeeded to the presidency. It so happened that congress had not been called to meet in special session in March, 1881, and so neither house had organized. There was, therefore, no president *pro tempore* of the senate, or speaker of the house. The question was often asked in those days, "Who will become president, in case President Arthur should die?"

Second Instance.—Four years later Vice-President Hendricks died, and there was neither a president *pro tem-*

pore of the senate nor a speaker of the house. Congress, on assembling, considered several propositions relating to the line of succession to the presidency, and finally adopted the following plan:

Present Law.—In case of the inability of both president and vice-president to serve, the members of the president's cabinet were designated to succeed to the presidency in the order named, provided they are eligible to the office of president by election. The order is:

1. Secretary of state.
2. Secretary of the treasury.
3. Secretary of war.
4. Attorney-general.
5. Postmaster-general.
6. Secretary of the navy.
7. Secretary of the interior.

The office of secretary of agriculture was not created until after the change in the succession to the presidency was made.

Effect of Law.—The vice-president becomes president on the death, resignation, or removal of the latter, and he serves for the remainder of the term. A cabinet officer who succeeds to the presidency will serve till a new president can be elected at the following general election, and until his successor has qualified as required by law.

Presidents William Henry Harrison, Zachary Taylor, Abraham Lincoln, and James A. Garfield died in office, and were succeeded by the vice-president in each case. Had President Johnson been convicted on impeachment and removed from office, the presidency would have passed to

the president *pro tempore* of the senate. No cabinet officer has ever been called upon to act as president.

Clause 7.—President's Salary.

The president shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Franklin's Plan.—Franklin was very much opposed to this clause. He thought that the officers of the general government should serve without pay, and in a paper which he prepared on this subject he cited the example of Washington, who had served as commander-in-chief of the American forces during the Revolution without pay. He was in favor of having the actual expenses of officers borne by the government. The convention decided in favor of salaries for government officers generally.

Salary.—The salary of the president is fifty thousand dollars a year, and he has the use of the executive mansion, or "White House," which is furnished and cared for at the expense of the government. The vice-president receives eight thousand dollars a year salary, and the president *pro tempore* of the senate the same amount, if called upon to preside during a session of congress, but otherwise his salary is the same as other senators. The salary of nearly all government officers is paid monthly.

Expenses.—To many persons the salaries of president, congressmen, judges, and other officers of the government seem large, but the expenses connected with these offices are so great, that many of the officers are not able to save anything from their salaries. Few of the presidents of the

United States have accumulated any property while in office.

England.—Queen Victoria is allowed a salary amounting to nearly two million dollars a year, and an additional allowance of three hundred and fifty thousand dollars is made to the other members of the royal family. The other European nations pay large sums of money annually for the support of their rulers.

CHAPTER XX.

SECTION II.—POWERS OF THE PRESIDENT.

Clause 1.

The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Privilege.—The president is not required or expected to take command of the land or naval forces of the United States, in person, but the constitution does not prohibit him from doing this, if he should desire to do so. In time of war, military officers are appointed to the command of the different divisions of the army and navy, and the president exercises only general supervisory powers over their actions.

Origin of Cabinet.—In the constitutional convention, it was urged by some members that the chief executive power should be vested in a council instead of in one person. While no action was taken with a view to the organization of a cabinet of advisers for the president, the language of this clause seems to imply that the government would be separated into departments for the proper enforcement of its laws.

Departments.—There are now eight departments of the executive branch of our government. The title of the chief officer and the date of organization of each department are here given.

Department of State, September, 1789.
" " Treasury, " "
" " War, " "
Postoffice Department, " "
Department of Navy, May, 1798.
" " Interior, March, 1849.
" " Justice, June, 1870.
" " Agriculture, February, 1889.

Secretary of State.—The secretary of state is usually considered the highest officer in the cabinet, probably on account of the nature of his work. Under the direction of the president, he carries on the correspondence of the nation with foreign powers. He is the custodian of the great seal of the United States with which he seals all state papers signed by the president and countersigned by him. All laws of congress, amendments to the constitution, and various proclamations of the president are published under his direction.



Secretary of Treasury.—The secretary of the treasury is the legal adviser of the president in all matters relating to the finances of the nation. He proposes plans for raising the necessary revenue for the support of the government, and the collection of all public money is intrusted to his care. He also furnishes annually to congress estimates of the probable receipts and expenditures of the government for the ensuing year.

Bureaus.—Several important bureaus, or sub-departments of the government, are placed in charge of the secretary of the treasury. This is doubtless due to the fact that large sums of money are needed to carry on these special lines of work, and this officer should be familiar with their needs, in order to be able to make proper recommendations concerning the funds required to carry on their work.

Duties.—The secretary of the treasury controls the construction of public buildings, the coinage and printing of money, together with the supervision of the coast surveys, the life-saving, light-house, steamboat inspection, and marine hospital branches of the public service.

Treasurer of United States.—The treasurer of the United States is one of the principal officers of this department, and the money of the government is received and disbursed by him and his assistants as required by law. The commissioner of internal revenue, who also belongs to this department, superintends the collection of revenue of this kind and sees to the enforcement of the internal revenue laws. The other bureaus are under the control of commissioners or superintendents who are under the general direction of the secretary of the treasury.

Secretary of War.—The secretary of war is the chief officer of the department of war, and his duties are per-

formed under the direction of the president. Certain general powers are conferred upon him by law. He makes estimates for the necessary expenses of his department, superintends the purchase of supplies for the army, and has charge of all matters pertaining to the improvement of rivers and harbors. To aid him in the discharge of his duties, certain assistants are appointed to take charge of special parts of the work of his department.

Secretary of Navy.—To this officer is entrusted the general supervision of the navy, under the direction of the president. He has the care of constructing the war vessels of the government, and he sees that they are properly manned, armed, and equipped for service. The navy-yards of the government, and the marine corps, are controlled by him.

Postmaster-General.—The post-master general is in charge of the postal affairs of the government. He appoints all the subordinate officers of the postoffice department, except the first four assistants and postmasters whose salary exceeds a thousand dollars a year. The amount of work done by this department is enormous. It includes the purchase of supplies for the postmasters and other postal employees of the United States, the printing of stamps and postal order blanks of all kinds, the supervision of the dead letter office, the railway and foreign mail service, the letting of contracts for carrying the mail, and, in fact, everything connected with the proper distribution of the correspondence of the people of the nation.

Department of Justice.—The attorney-general is at the head of this department. He is the legal adviser of the president and the members of the cabinet, and he is required to give general direction to attorneys and marshals

in the different districts of the United States. The office of attorney-general was created in 1789, but the department of justice was not organized until 1870.

Department of the Interior.—This is one of the most important departments of the executive branch of our government. The secretary of the interior is its chief officer, and under his direction all public business relating to pensions, patents, and the census is carried on. He has the care of the national parks of the United States, and the distribution of all appropriations for agricultural and mechanical colleges endowed by the general government. The commissioner of the general land office, commissioner of Indian affairs, commissioner of education, commissioner of railroads, and the director of the geological survey are some of the important officers of this department.

Department of Agriculture.—The department of agriculture was the last one established. Its highest officer is the secretary of agriculture, and he is required to attend to all public business relating to farming. The agricultural experimental stations of the country that receive any support from the general government are placed under his charge. Many valuable experiments in the culture of grain, fruit, and vegetables are performed by this department, and the result of them is distributed to interested persons free of charge.

Labor Commission.—In 1888, congress passed a law establishing a department of labor, to which is intrusted the task of collecting statistics connected with all kinds of labor in the United States, and especially with reference to the means of promoting the material, moral, intellectual and social welfare of wage-workers. The department is conducted by a commissioner, but he is not a member of the president's cabinet.

Inter-State Commerce Commission.—This commission consists of five members who are appointed by the president and confirmed by the senate. It has charge of the inter-state commerce of the country, for the correction of abuses in the transportation of goods from one state to another. It has the power to call for reports from the railroad companies of the country as to their business in general, and specially with reference to the charges made for carrying goods different distances. The work of this commission is growing in importance and value to the people of the country, and many abuses in domestic commerce have been corrected by it. The commission was organized in 1887.

Civil Service.—Many offices of the government have been, and still are, considered as political. By this plan, a change of the party in power means a change in the officials in these places, for political reasons only. There are, in all the different branches of the public service, about two hundred thousand persons employed. Of these, about forty thousand are in the military, naval, and marine service, and the others are all in what is commonly called the civil service.

Civil Service Commission.—The civil service commission was provided "to regulate and improve the civil service of the United States." There are three commissioners, a chief examiner, and several subordinate officers. The places in the public service which are filled by appointment by this commission number about forty-five thousand. Application for these positions may be made by any one who comes under the rules, and the decision of the commission in making appointments is based on competitive examinations. The design of the commission is to assist the

president in procuring competent assistants to aid in executing the laws of congress.

Term of Cabinet Officers.—The members of the cabinet are appointed for the remainder of the presidential term, but in case of the death of the president, it is customary for the cabinet to place their resignations in the hands of his successor, at once. The salary of each cabinet officer is eight thousand dollars a year.

Clause 2.—Consent of Senate.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided that two-thirds of the senators present concur, and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not otherwise herein provided for, and which shall be established by law; but congress may by law vest the appointment of such inferior officers as they may think proper, in the president alone, in the courts of law, or in the heads of departments.

Treaties.—The power of a nation to make treaties is often called a sovereign power. It was feared that a rash president, acting under impulse, might be led to exercise the treaty-making power, if vested in him, in an improper, or unsatisfactory, manner. On this account, the concurrence of the senate, by a two-thirds vote of the members present, is necessary to ratify a treaty of any kind between the United States and a foreign power.

Appointments.—The appointment of all the important officers of the government, except such as are regularly elected in a manner prescribed by the constitution and laws

of the country, is made by the president and confirmed by the senate. Such nominations are made by the president in writing, and the senate may confirm or reject the nomination, as it chooses.

Clause 3.—Vacancies—How Filled.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Purpose.—This clause was considered necessary in order that official positions in which vacancies occur may be filled by the chief executive during the time the senate is not in session. The appointment runs to the close of the next session of the senate, in order not to compel that body to change its plan of business, or to oblige it to reach a decision in the appointment of officers at any specified time.

CHAPTER XXI.

SECTION III.—Duties of the President.

He shall from time to time give to congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all officers of the United States.

President's Message.—This report of the condition of the Union is called the "President's Message." At first, it was customary for the president to appear before congress on the first day of the session, and deliver an address on the condition of the government, at the same time making such recommendations as seemed necessary.

Special Session.—Congress has been called in special session only ten times in our history, but the senate is often required to remain in session to confirm appointments, after the adjournment of the house of representatives. This often happens in the odd-numbered years, and especially those in which there is a change of president. The term of office of representatives expires on the day the president is inaugurated, and there may be no necessity for re-organizing the house at that time. The senate, by re-

maining in session a month or so at the beginning of the presidential term, can ratify the appointment of such officers as the president considers it necessary to name at that time.

Ambassadors, Etc.—The appointment of ambassadors, ministers, consuls, and other representatives of our government to foreign countries is an important duty, and it is of scarcely less importance that the official representatives of other nations should be properly received by the president.

Highest Duty.—But the highest duty of the president is to see that the laws of the United States are properly enforced. The president cannot do this work alone, but, by the power vested in him, he commissions others to do the work. His work, officially, is to sign public documents, commissions, and other papers relating to the enforcement of the laws.

Commissions.—He signs the commissions of all officers of the United States. These commissions are countersigned by the secretary of state, and sealed with the great seal of the United States. The following is an exact copy of the commission of the postmaster of Osage, Iowa, and a change in the name of the office, the officer, and the location is all that is necessary to make the commission applicable to any office filled by presidential appointment :

Postmaster's Commission.—

GROVER CLEVELAND,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all to whom these Presents shall come, Greeting:

KNOW YE, That reposing special trust and confidence in the Intelligence, Diligence and Discretion of Augustus C.

Tupper, the President of the United States nominated, and by and with the advice and consent of the Senate, I do hereby appoint him Postmaster at Osage, in the county of Mitchell, State of Iowa, and do authorize and empower him to execute and fulfill the duties of that office according to the laws of the United States, and the regulations of the Post Office Department.

And to have and to hold the said office, with all the rights and emoluments thereunto legally appertaining unto him, the said Augustus C. Tupper, for and during the term of four years, from the fifteenth day of May, 1894, subject to the conditions prescribed by law.

In Testimony Whereof, I have caused these letters to be made patent, and the seal of the Post Office Department of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, this fourth day of June, in the year of our Lord, one thousand eight hundred and ninety-four, and of the Independence of the United States of America, the one hundred and eighteenth.

By the President: Grover Cleveland.

[seal.] W. S. Bissell, *Postmaster-General.*

SECTION IV.—Removal from Office.

The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

The Blount Case.—The subject of impeachment is quite fully discussed in another part of this book. In 1798, Senator Blount, of Tennessee, was formally accused of having committed high crimes and misdemeanors The accu-

sation was made by the house of representatives in the form of articles of impeachment.

Decision.—The matter was at once referred to the senate for trial, and that body promptly decided that members of congress are not civil officers of the United States, in the sense in which that term is used in the constitution. The senate then expelled the offending member, as it had the power to do.

Treason.—Bribery.—Treason is defined by the constitution in language clear and definite. Bribery is one of the most difficult crimes to punish because of the difficulty of detection. The person who gives, or even offers a bribe is guilty of a crime, but the constitutional provision given above applies only to civil officers. The punishment for bribery is fixed by law, and the penalties are very severe.

State Laws.—Nearly all the states provide by law that any person found guilty of offering to purchase the influence of any officer or other public agent by an offer of money, or other article of value, is guilty of felony, and, in addition to other punishment, he is forever disqualified from exercising the right of suffrage, and from holding any position of honor, trust, or profit, under the constitution or laws of the state.

New York Law.—The following section, relating to this subject, is taken from the new constitution of New York:

"Any person holding office under the laws of this state, who, except in payment of his legal salary, fees, or perquisites, shall receive or consent to receive, directly or indirectly, anything of value or personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding

that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery."

CHAPTER XXII.

ARTICLE III.—Judicial Branch.

Organization.—The organization of a judicial branch of the government was an absolute necessity. Under the articles of confederation, there was no tribunal to interpret the laws of congress, or to decide cases of law and equity between the states or the inhabitants thereof.

Independent.—An effort was made to make this branch of the government as nearly independent of the other two branches as possible. To prevent the judges of the principal courts from feeling any dependence upon any other authority, these officers are appointed for a longer term than those of either of the other branches.

SECTION I.—Organization.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Supreme Court.—The supreme court of the United States is the highest judicial authority of the nation. At first, there were six judges of the supreme court, and this number was at one time increased to ten. As the court is often divided in opinion upon subjects referred to it for set

tlement, it was found advisable to have an odd number of judges compose the court. The number was then reduced to nine, which it now is, and any six members constitute a quorum. The decision of a majority of the court is the decision of the court. If any member objects to a decision that has been made by the court, he is privileged to render a minority opinion, differing from the action of the majority. One term of the supreme court is held at Washington each year, beginning on the first Monday in December.

Chief Justice.—One of the members of the supreme court is known as the chief justice, and the other eight, as associate justices. If a vacancy occurs in the office of chief justice, the position is filled by appointment in the usual way, and thus it sometimes happens that a person who has had no experience as judge of any court may be appointed chief justice of the United States supreme court.

Tenure of Office.—Judges of the supreme court and several of the inferior courts are appointed to serve during good behavior. This provision is certainly a wise one, as it insures impartial decisions. If judges were appointed for a short time of service, they might be influenced by an undue desire for re-election, and their decisions might be modified, more or less, on that account.

Retirement.—Judges, whose tenure of office is good behavior, may retire from active service on arriving at the age of seventy, provided they have had at least ten years' service in the position to be resigned. They receive full salary for the remainder of their lives, as a kind of pension.

Inferior Courts.—Congress has provided for such inferior courts as have been found necessary. The circuit courts are inferior only to the supreme court. The United States is separated into nine judicial circuits, and a justice

of the supreme court is assigned to each of these circuits as circuit judge *ex officio*. It is the duty of the justice of the supreme court to hold one session of circuit court at every place in his circuit where such court is held, at least once in two years.

Circuit Courts.—Two circuit judges are also appointed for each of the circuits of the United States. Their time is occupied with the duties of their office, except as explained hereafter. The tenure of office of circuit judges is practically for life, as the only limitation fixed by the constitution for judges in general is "during good behavior." An additional circuit judge is appointed for the second circuit, on account of the vast amount of business to be transacted by this court in the city of New York.

Judicial Circuits.—The circuits of the United States are as follows:—

1. Maine, New Hampshire, Massachusetts, and Rhode Island.

2. Vermont, Connecticut, and New York.

3. New Jersey, Pennsylvania, and Delaware.

4. Maryland, West Virginia, Virginia, North Carolina, and South Carolina.

5. Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

6. Ohio, Michigan, Kentucky, and Tennessee.

7. Indiana, Illinois, and Wisconsin.

8. Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, Colorado, North Dakota, South Dakota, Wyoming, and the territories of New Mexico, Oklahoma, and Utah.

9. California, Oregon, Nevada, Montana, Washington, Idaho, and the territories of Alaska and Arizona.

Circuit Court of Appeals.—In 1891, congress authorized a circuit court of appeals for each judicial circuit of the United States. The judge of the supreme court, the circuit and district judges of any circuit are made the judges of this court. When the court has been organized with a full bench, there are present, the judge of the supreme court assigned to that circuit, either circuit judge of the circuit, and any of the district judges within the circuit. Any two such judges constitute a quorum, and they may transact regularly all the business of the court.

Presiding Officer.—The judge of the supreme court, if present, serves as the presiding officer of the circuit court of appeals, but in his absence, the court is presided over by the circuit judge present who has had the longest term of service.

Sessions.—One term of this court is held annually, and the place of meeting in each circuit is designated by law as follows:—

First Circuit, Boston;
Second Circuit, New York;
Third Circuit, Philadelphia;
Fourth Circuit, Richmond;
Fifth Circuit, New Orleans;
Sixth Circuit, Cincinnati;
Seventh Circuit, Chicago;
Eighth Circuit, St. Louis;
Ninth Circuit, San Francisco.

Purpose.—This court was designed as a means of relieving the supreme court of the United States, and also the existing circuit courts. Both of these courts had been crowded with business, which was delayed year after year, and some relief became absolutely necessary.

Appeals.—The most important provision of the law relating to the jurisdiction of the circuit court of appeals is, that no appeal shall hereafter be taken from the district courts to the existing circuit courts. Such appeals may be taken to the supreme court or to the circuit court of appeals. Appeals in certain cases may be made from the regular circuit court to the circuit court of appeals, but the judge before whom any cause was tried in the lower court is prohibited from serving as a judge of the composite court.

District Court.—Each judicial circuit is separated into several districts, and there is a district judge appointed for each district. There are now sixty-seven judicial districts in the United States. Judges of this court are appointed to serve during good behavior. Their appointment is made in the same manner as the other United States judges, and they are given the same privilege of retiring from active service at a specified time.

Court of Private Land Claims.—This court was established in 1891, for the purpose of settling disputes about titles to land obtained from Mexico by purchase or annexation. Many disputes concerning lands thus acquired had arisen in New Mexico, Arizona, Utah, Nevada, Colorado, and Wyoming, and the court was empowered to settle these claims, if possible.

General Provisions.—The court consists of a chief justice and four associates, who were appointed by the president, by and with the advice and consent of the senate. Their term of office expires by limitation December 31, 1895, but it seems likely that the work assigned the court can not be completed by that time, and the court may be continued.

Court of Claims.—This court was established in 1855, and it has an important work to perform. It has jurisdiction over certain claims against the United States which involve disputed points of law, "where the amount claimed exceeds three thousand dollars, or where the decision will affect a class of cases or furnish a precedent for the action of any executive department in the adjustment of a class of cases, or where any authority, right, privilege, or exemption is claimed or denied under the constitution."

Duties.—The chief of any department may refer to this court any claim that it may have pending, and it then becomes the duty of the court to look up the law involved and give its opinion as to the validity of the claim. The departments are thus relieved of much business that can be done in a more careful manner by the court of claims. Congress also refers certain claims to this court for investigation.

Settlement of Claims.—If a claim brought against the United States is examined by the court of claims and allowed, the amount is paid out of the treasury of the United States without a special appropriation by congress. Claims referred to this court by any department or by congress are not allowed by the court, but its recommendations in such cases are generally followed.

Membership.—The court consists of five members, and the concurrence of three members is necessary to decide a case. The regular annual sessions are held at Washington, beginning on the first Monday in December. Claims to be settled by this court must be commenced within six years from the time they originated.

Supreme Court of District of Columbia. — The supreme court of the District of Columbia is an important

court. It has charge of such cases as are tried in the circuit and district courts of the United States, but its jurisdiction is limited to the district. It consists of a chief justice and five associates. There is also a court of appeals of the District of Columbia, consisting of three members, one of whom is known as the chief justice. The term of office of these judges is during good behavior.

Territorial Courts.—Each regularly organized territory has a system of courts, authorized by congress. The territory is separated into three districts, and a district judge is appointed for each. Four times a year the district judges assemble at the territorial capital and organize as the supreme court of the territory. Cases appealed from the district courts are examined by the supreme court, and the decision of two members is the decision of the court. The term of these officers is four years, but the office expires by limitation on the admission of the territory into the Union as a state. The territory of Alaska has only one judge.

Consular Courts. — Consuls to foreign ports are authorized to hold court for the investigation of cases arising in their respective districts in which citizens of the United States are involved. It is the duty of these courts to see that justice is done to our citizens in case of crimes committed, or when for any reasons their rights are denied them while traveling abroad.

Attorney-General. — The attorney-general appears before the supreme court as a lawyer to defend the interests of the government. A district attorney is appointed for each judicial district to represent the government in cases arising in the circuit and district courts of the United States.

Other Officers. — Each district also has a United States marshal, whose duties correspond, in general, to those of county sheriff. The district attorneys and marshals are appointed for an indefinite time, although the term is nominally four years, and a change of the political party in power generally brings about a change of all these officers. Each court also has a clerk who is appointed by the judge of that court. Each principal names such assistants as are necessary to aid him in the discharge of his duties, and he is responsible for the work done by them.

Salaries.—The salaries of all officers of the judicial branch of our government are fixed by act of congress, and are payable monthly. The salary of the chief justice of the supreme court is ten thousand five hundred dollars a year, and that of the associate justices, ten thousand dollars. The justice of the supreme court who serves as circuit judge in the ninth circuit is allowed a thousand dollars a year as additional compensation for traveling expenses.

Same.—Circuit judges and judges of the circuit court of appeals are paid six thousand dollars a year. Until recently, district judges were paid from thirty-five hundred to five thousand dollars a year, but the salary is now uniformly five thousand dollars a year for those officers. Members of the court of claims receive forty-five hundred dollars a year, and judges of the supreme court of the District of Columbia, four thousand dollars, with the exception of the chief justice, who receives five hundred dollars additional.

Same.—Judges of the court of private land claims receive five thousand dollars a year and their necessary personal and traveling expenses. Territorial judges receive twenty-six hundred dollars as their regular salary, but the

judge of the territory of Alaska is paid three thousand dollars a year. Consuls are in a majority of cases paid by fees.

CHAPTER XXIII.

SECTION II.—Jurisdiction of Courts.

Clause 1.—Extent.

The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens, or subjects.

Jurisdiction.—This clause was intended to define in general terms the jurisdiction of the courts of the United States, but, as will be seen, there is no division of authority made by the constitution. The supreme court determines the constitutionality of laws passed by congress, when an appeal has been made to it, in a proper manner, from a lower court.

Law.—Equity.—Cases of law are generally under the original jurisdiction of the inferior courts, subject to appeal to the supreme court, as provided in the clause relating to that court. Equity cases are those which are not covered by express terms of any law, but are such as, in justice, demand settlement by the courts of the land.

Kinds of Jurisdiction. — Jurisdiction is original, appellate, concurrent, or exclusive. When a suit must be commenced in a certain court, that court is said to have original jurisdiction over the matter. If a case that has been decided by one court may be appealed to a higher court, the latter is said to have appellate jurisdiction. If a suit may be commenced in either of two courts, at the option of the plaintiff, the courts have concurrent jurisdiction. And when a case may be settled by the court in which it is first examined, and from whose decision there is no appeal, the jurisdiction is exclusive.

Clause 2.—Jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

Supreme Court.—In the class of cases mentioned in the first sentence, the supreme court alone has jurisdiction. The decision of this court is final. Certain cases may be settled by the inferior courts, and from their decision there is no appeal, but, as a rule, a party aggrieved by the decision of a lower court may appeal to the supreme court.

Circuit Court.—In general, the circuit courts of the United States have original jurisdiction over civil cases in which the amount of money or the value of property involved is not less than two thousand dollars. It is also a court of equity, and a court for the trial of cases arising under the patent and copyright laws of the United States.

District Court.—The district courts of the United States are entrusted with the punishment of crimes committed in violation of United States law. They have general jurisdiction over admiralty cases, crimes committed on the high seas, counterfeiting, violations of the revenue laws, and bankruptcy.

Eleventh Amendment.—The eleventh amendment to the constitution places a construction upon the judicial power of the government which should be considered in connection with the study of this subject. (See Amendment.)

SECTION III.—Treason

Clause 1.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Meaning.—This definition of treason is a clear one, requiring little explanation. It is understood by the term "overt act," that some definite act of treason must be done to bring a person under penalty for treason. The mere conspiring against the government or entering into a plot to subvert its authority is not treason.

Punishment.—There must be two witnesses who testify to the same overt, or public, act of treason, or the offender must confess his crime in open court, in order that there may be conviction for any act of treason.

Clause 2.—Punishment.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Purpose.—This prohibition upon congress to pass a bill of attainder of treason seems a strange one to us in these days of personal liberty, but not many generations before the adoption of the constitution, parliament passed very severe laws for the punishment of treason among British subjects. The person deemed guilty of treason was often seized and put to death with great cruelty, his property was confiscated by the crown, and his legal heirs were declared to be disqualified from inheriting or transmitting property. This clause shows the growth of liberal sentiment in matters of government.

Clause 3.—Crimes.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as congress may by law have directed.

Jury Trial.—The right to a trial by jury in criminal cases is guaranteed to all persons accused within the United States. This rule applies in all such cases, whether in violation of state or national law. In colonial times, persons accused of crimes were taken to England to be tried. This was considered very unjust, and this practice was one of the causes of the Revolution. Impeachment is excepted, because the constitution provides the method by which such cases are to be disposed of.

Punishments.—Congress has provided by law for the punishment of offenses committed in the territories, and in other places subject to the authority of the general government, but not under state control. The states are given control of their boundary rivers to the middle of the main channel for the purpose of preventing them from becoming a highway of escape for criminals.

CHAPTER XXIV.

ARTICLE IV.—The Relations of the States.

SECTION I.—State Records.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Wise Provision.—This provision served to place the states on a friendly footing. In no other way could the founders of the constitution hope to establish justice among the states. So valuable has this clause proved, that the decision of a suit at law in one state is very often made the basis of settlement of a similar case in another state.

Illustration.—Each state may have its own statutes relating to records of different kinds. For example, South Dakota requires two witnesses to the signature of persons deeding real estate, in addition to the proper acknowledgment of the signatures before some officer authorized to take such acknowledgment. In Iowa, no witnesses are required. A resident of South Dakota, wishing to deed land he may own in Iowa, must comply with the Iowa law, and a person in Iowa, to properly deed land in South Dakota, must comply with the law of the latter state.

Certified Records.—Certified copies of records and judicial proceedings may be sent from one state to another,

to be used in evidence, and, if properly certified, they have the same force and effect as though they had occurred in the state in which they are to be used by transcript.

SECTION II.—Relations of Citizens.

Clause 1.—Citizens.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Privileges.—This clause was the outgrowth of the bitter experience of some of the states in their dealings with their neighbors. Petty jealousies caused some of the states to deny to the surrounding states certain privileges that were granted to the citizens of more remote states. The wisdom of this clause is apparent.

Clause 2.—Fugitives from Justice.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Requisitions. — The demand of the executive authority of a state for the surrender of an escaped criminal is called a requisition, and the official papers are known as requisition papers. Criminals fleeing from justice often cross the boundary line of a state for the purpose of gaining time, as a warrant issued in one state can not legally be served in another. The governor of a state seldom refuses to grant the request made in a requisition, although that sometimes happens. If it were not for this provision, crime would be much more frequent than it now is.

Extradition.—The plan of giving up criminals, when application has been made in the proper manner, is often resorted to by nations. The laws relating to this subject are called extradition laws. The United States has made extradition treaties with many of the leading nations of the earth.

Clause 3.—Fugitives from Service.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on a claim of the party to whom such service or labor may be due.

Clause Obsolete.—This clause is obsolete, owing to the abolition of slavery. Its necessity in former years seemed absolute to the slave-holder, but the "underground railroad" tells the history of many violations of the provisions of the clause.

SECTION III.—New States and Territories.

Clause 1.—The Admission of New States.

New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor shall any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

Canada.-New States.—The articles of confederation provided that Canada might be admitted into the Union, but no action was taken by that province. The thirteen original states included a narrow strip of land along the Atlantic sea-board, but so many additions in territory have

been made that there is now in the United States more than four times its original area.

Territory Acquired. — The following territory has been acquired by the general government:—

1787. The North-west Territory—Cession.

1803. The Louisiana Purchase, from France, by purchase, for fifteen million dollars.

1819. Florida, from Spain, by purchase, for five million dollars.

1845. Texas, by annexation. To settle the boundary between Mexico and the United States, the latter paid the sum of eighteen million three hundred fifty thousand dollars.

1854. The "Gadsden Purchase," from Mexico, by purchase, for ten million dollars.

1867. Alaska, from Russia, by purchase, for seven million two hundred thousand dollars.

States Formed.—From this territory, thirty-one new states have been formed, and there is still a large tract left under territorial government. Congress has passed an enabling act for the admission of Utah, and there is little doubt but that that territory will soon become a state.

Action in Congress.—There are no special requirements that a territory must possess before it can seek admission into the union of states. The territorial delegate generally urges the matter upon the attention of congress, and if it is considered advisable to organize the territory into a state, a law, called an *enabling act*, is passed by congress. This law gives the people of the territory the right to hold a convention for the purpose of framing a state constitution.

Constitutional Convention.—This constitution is submitted to the people of the territory to be voted upon,

and if a majority of the votes cast are in favor of it, the constitution is adopted. Copies of the constitution are sent to the president and to each house of congress, and, if its provisions are satisfactory, the state is then formally declared to be admitted into the Union. A law to this effect must be passed by congress and approved by the president.

Exceptions.—There was no enabling act passed by congress for the admission of Michigan, Kansas, and Oregon. Vermont, Kentucky, Maine, Texas, California, and West Virginia were never territories. California and Texas were admitted by annexation, and the other four named were erected from the territory of the states to which they had belonged.

West Virginia.—When Virginia decided to secede from the Union at the breaking out of the Rebellion, forty-eight counties in the western part of the state determined to remain loyal to the general government. This they did, and, in 1863, they were admitted as a separate state, and called West Virginia. This was done in violation of the constitution, but it was considered necessary as a war measure. No new state has ever been formed by the junction of other states.

Clause 2.—Territories.

The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Territorial Government.—By the authority given by this clause, congress has passed laws for the government of the territories of the United States, and for the District of Columbia. Each organized territory has a governor, who

is appointed by the president and confirmed by the senate, a legislature, composed of members chosen by the people of the territory, and a system of courts as explained elsewhere. A territory also elects a delegate to congress, whose duty it is to look after matters of special importance relating to his territory. The territorial delegates sit in the house of representatives. They may take part in the discussion of topics of interest to the territories of the United States, but they are not permitted to vote on any subject. They receive the same salary as members of congress.

SECTION IV.—State Government.

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

State Government.—In order that this clause may be properly enforced, congress must consent to the admission of a new state after the proposed constitution has been accepted by the people of the territory seeking admission. In case any rights or privileges of a free people are denied or abridged, or if the proposed constitution is objectionable for any other reason, congress may refuse to admit the territory as a state. The people of Iowa territory made three attempts to gain admission before their efforts were crowned with success. Congress passed a bill for the admission of Colorado in 1866, and another in 1867, but both were vetoed by President Johnson.

Invasion. — Insurrection. — Since the states surrendered to congress the control of the army and navy of the nation, it is right that there should be some guaranty of

protection to the states in case of invasion or insurrection. During the labor troubles of 1894, the president sent United States troops to Chicago to aid in suppressing the strikes. It is not often that troops have been needed for the purpose indicated in this section.

CHAPTER XXV.

ARTICLE V.—Amendments to the Constitution.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment, which may be made prior to the year one thousand, eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

Processes.—The constitution provides two methods for its own amendment, but the first method has alone been tried. All the amendments that have been adopted were proposed by congress and ratified by the state legislatures. Nearly a thousand amendments to the constitution have been proposed in congress, but only fifteen have been adopted.

Bill of Rights.—That the constitution was not entirely satisfactory to the people at the time of its adoption is shown by the fact that the first ten amendments were proposed by congress at its first session. These

amendments are often called the "Bill of Rights." They were ratified by the states, and declared to be a part of the constitution in 1791. Twelve amendments were voted on at this time, but only ten of them received the approval of the states.

Other Amendments.—The eleventh amendment was proposed in 1796, and adopted in 1798. The twelfth was submitted to the people in 1803, and ratified the following year.

The last three amendments relate to the slavery question in the main. Their provisions are sometimes stated in this way: "The thirteenth amendment freed the Negro, the fourteenth made him a citizen, and the fifteenth gave him the right to vote." The thirteenth amendment was proposed and adopted in 1865, the fourteenth in 1868, and the fifteenth, proposed in 1869, was ratified in 1870. The amendments will now be given and discussed.

ARTICLE I.

Freedom Guaranteed.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Religious Freedom, Etc.—The rights guaranteed by this article were very dear to the people at the time our government was organized. Because these rights had been denied them by the British government, they rebelled, and their rebellion resulted in revolution and a new form of government. Every person may be held responsible for the abuse of the right of freedom of speech and of the press.

ARTICLE II.

Right to Bear Arms.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

The subject of the militia has been discussed in another part of this volume. This amendment must not be construed to give individuals the right to carry concealed weapons. Such a practice is considered a dangerous one, and it is made a misdemeanor by most of the states.

ARTICLE III.

Quartering Soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Civil Powers Supreme. — The "quartering act," passed by parliament, aroused the anger of the people of Massachusetts in the days preceding the Revolution. It is no wonder that the people desired to be secure against military interference in either peace or war. As we are not a warlike people, it has always been the policy of the government to make the military subordinate to the civil power.

ARTICLE IV.

Security against Unwarranted Searches.

The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particu-

larly describing the place to be searched, and the persons or things to be seized.

Purpose.—This article is also the result of the arbitrary rule of the British government over the American colonies. For many years preceding the revolution, revenue officers were sent to the colonies to collect duties on imported goods and to prevent smuggling. These officers were provided with general search warrants, which empowered them to search wherever they chose for goods that they thought had not been brought into the country according to law.

"Writs of Assistance."—To make this law more obnoxious, parliament passed a law authorizing "Writs of Assistance." These writs, in the hands of revenue collectors, authorized them to call to their assistance any persons they chose to aid in making their searches and seizures. If a colonist refused to render aid, when requested to do so by a revenue officer, he was liable to be arrested and sent to England for trial.

Search Warrant.—If a person suspects that property which has been stolen from him is secreted in a certain place, he may go before a justice of the peace or other similar officer, and swear out a search warrant. That is, he must take oath that he has good reason to believe that the missing property is there secreted. The search warrant will be placed in the hands of a sheriff or constable, and the search made as authorized by the warrant. General search warrants are prohibited by this amendment.

ARTICLE V.

Life, Liberty, and Property.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of

a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Purpose.—This article applies to all the states, as well as to cases arising under United States law. Nearly all the states have incorporated this amendment in their constitutions. Offenses in the army, navy, and militia are punished by court martial.

Persons Accused.—When a person accused of crime has been convicted and punished for the offense, he cannot be required to submit to another trial or punishment. In case of a disagreement of a jury, the person accused will be held for a second trial. It is a wise provision that grants to a person accused of crime the right to remain silent, if he chooses. This is on the principle that every person charged with crime is considered innocent until he has been proved guilty.

Property Condemned.—The right to a fair and impartial trial is also assured to every criminal, and in civil cases, property cannot be seized to satisfy debts or judgments, without due process of law. It sometimes becomes necessary to convert private property to the use of the public. Property thus taken is said to be condemned, and this can be done only by awarding to the owner just compensation for the property seized.

ARTICLE VI.

Rights of Persons Accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the

state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Fair Trial.—It will be seen that it is the purpose of the constitution to give every person accused of crime the benefit of any reasonable doubt as to his guilt, and also to put him to as litttle inconvenience as possible in submitting to a trial. Not every person accused of crime is found guilty, and it is intended that innocent persons shall not be made to suffer for offenses committed by others.

Judicial Districts.—The districts referred to are designated by congress or by the state legislature. Iowa is separated into two United States judicial districts—northern and southern—and violators of the laws of congress are tried in the district in which the offense is committed. Each county is a district for judicial purposes in most of the states for the enforcement of state law.

Rights of Accused.—A person accused of crime must be informed of the nature of the offense, and he must also be confronted by the witnesses against him. Witnesses summoned in behalf of a person accused of crime are compelled to attend the trial, and counsel for the accused is also provided—at the expense of the state, if necessary. No pains will be spared to enable a person to show himself to be innocent of the crime with which he is charged, if it can be done.

CHAPTER XXVI.

AMENDMENTS.—CONTINUED.

ARTICLE VII.

JURY TRIAL IN COMMON-LAW SUITS.

In suits at common law, where the amount in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

Civil Suits.—This doubtless is intended to apply to civil suits, and to any other cases not specially designated by preceding amendments. In the trial of any case, the judge or justice interprets the law as he understands it, and the jury arrives at the facts in the case, so far as they are brought out by the evidence. A new trial may be held before the same court for good cause shown. In the hearing of a case before a higher court on appeal, the facts, as shown in the lower court may be examined for the purpose of determining whether the court's rulings have been properly made, and whether the law in the case has been properly applied, or not.

ARTICLE VIII.

EXCESSIVE BAILS, FINES, AND PUNISHMENTS FORBIDDEN.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Punishments.—The language of this article is in harmony with the other amendments relating to punishments. Bail should not be excessive, and fines are intended to be commensurate with the nature of the offenses to be punished. Our courts are disposed to be lenient in dealing with criminals, and yet justice tempered with mercy is to be desired in many cases, rather than justice with undue severity.

ARTICLE IX.

Rights Reserved.

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Personal Rights.—It is intended that all rights properly belonging to a free people shall be enjoyed by the inhabitants of the United States. This clause reserves to the people all their personal rights, except such as are specially surrendered for the common good by express provisions of the constitution.

ARTICLE X.

Limitations of the National Government.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Rights Reserved.—This amendment is so plain that its purpose is easily understood. By it we are to understand that any powers not specially delegated to the general government are reserved to the states respectively, or to the people. In other words, the powers of our national government are fully defined in the constitution.

ARTICLE XI.

Limit to Jurisdiction of United States Courts.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

State Debts.—By this amendment it is provided that a state cannot be sued by a citizen of other states, or by subjects of any foreign power. It is supposed that a state will be willing to pay its honest debts, if able to do so. A claim against a state, not specially provided for by law, is paid by an appropriation made by the legislature.

ARTICLE XII.

Methods of Choosing President and Vice-President.

This amendment is discussed fully in connection with the executive branch of the government.

ARTICLE XIII.

Slavery.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Congress shall have power to enforce this article by appropriate legislation.

Slavery Abolished.—This article abolished slavery. The emancipation proclamation, issued by President Lincoln in 1863, was intended as a war measure, and while its purpose was to free the slaves in those districts which were then in rebellion against the government, it did not disturb slavery as an institution.

ARTICLE XIV.

RECONSTRUCTION.

SECTION I.—CITIZENSHIP.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Citizenship.—Until the adoption of the fourteenth amendment, citizenship was a subject about which there was much dispute. It was claimed by some that citizenship can only be conferred by the general government, while others were equally certain that the whole subject is one that each state must settle for itself. The language of the amendment is so clear as to leave no doubt as to the use of the term citizen.

Equal Rights.—The second part of this section is intended to give to all classes of citizens the equal protection of the laws. It was feared that the Negroes would suffer much at the hands of their former masters, and that laws would be passed to deny to the emancipated slaves the rights to which they were entitled under the constitution.

SECTION II.—REPRESENTATION.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.

But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Representation.—The effect of this section was to include the emancipated slaves in the basis of representation. When the constitution was adopted, it provided that in addition to the white population and Indians who were taxed, three-fifths of all other persons should be counted in apportioning representatives. By this plan, five slaves were counted as three whites.

Ratio of Representation.—The latter part of the section is intended to prevent the states from placing any restriction upon the right of the Negro to vote, if qualified according to the constitution of the state in which he resides. And in case any such restriction is made, the persons thus deprived of the right to vote are not to be counted in determining the representation of that state in congress. There is an exception made in case of rebellion on the part of the Negro.

SECTION III.—Effects of Rebellion.

No person shall be a senator or representative in congress, or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any state, who,

having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.

Restrictions.—It must be remembered that the seceding states had no voice in the adoption of this amendment. This section was intended to disqualify those who had held any office of trust or profit in state or national government, and who had afterwards engaged in rebellion against the nation, from taking any part in matters of government without special action by congress. For two or three years after the close of the rebellion, public officers in the southern states were required to take an "iron-clad" oath, as it was called, in which they declared they had never been in rebellion against the government.

Pardon.—President Johnson granted a general amnesty, or pardon, to all participants in the civil war, who would take an oath of allegiance to the United States. Some of the officers of the confederate government never took the required oath, and they were therefore never pardoned.

SECTION IV.—War Debts.

The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned, but neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of rebellion against the United States, or any

claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION V.

The congress shall have power to enforce by appropriate legislation the provisions of this article.

National Debt.—The debt of the United States was enormous at the close of the Rebellion, amounting, as it did, to almost three billion dollars. In addition to paying this debt, the government is pledged to the payment of bounties and pensions allowed Union soldiers for their efforts in putting down the Rebellion. A few years ago, fully one-third of the total revenue of the government was used for the payment of pensions.

Confederate Debt.—By the second part of the fourth section, the confederate debt is repudiated. No claim against the United States, or any state, is valid, if it was created by any one for any purpose to aid in support of the Rebellion. Thousands of claims of loyal citizens, resident in the South during the war, have been allowed in payment for property seized or destroyed by the Union armies on their march.

ARTICLE XV.

SECTION I.—SUFFRAGE.

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

SECTION II.

The congress shall have power to enforce this article by appropriate legislation.

Negro Suffrage.—As stated elsewhere, the right of suffrage is conferred upon certain classes of persons in each state, and the qualifications of voters in the different states vary greatly. The constitution of the United States defines citizenship, in the fourteenth amendment, but it does not provide any regulations for suffrage, except as contained in the fifteenth amendment; while the Negro is not mentioned in the amendment, the language is so plain as to leave no doubt that it is intended to confer the right of suffrage upon all Negroes who have the qualifications of voters as required in the states in which they reside.

CHAPTER XXVII.

CONSTITUTION.

ARTICLE VI.—General Provisions.

Clause 1.—Debts Assumed.

All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

Debts Assumed.—The credit of the new government was at stake, and while it was suggested by some members of the constitutional convention that the debts incurred during the Revolution need not be assumed by the new government, it was agreed that the debts of the confederation should be recognized as debts under the constitution. It was an heroic deed, and this stands as a glowing tribute to the honor and integrity of the founders of our government.

Clause 2.—Supremacy of the Nation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

Nation Supreme.—It would seem as though there could be no misunderstanding of the language of this

clause, and yet the doctrine of "states' rights" was openly advocated for many years. That doctrine was, in substance, that whenever a conflict arose between the nation and any state, the authority of the state was considered supreme.

Laws of Congress. — It sometimes happens that congress passes a law which is in opposition to the provisions of the constitution of some state. While the authority of congress is supreme in such cases, it is customary to give the state or states affected a reasonable time in which to make the necessary changes.

Clause 3.—Oath of Office.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.

Oath.—Every civil officer of the United States and of the several states is required to take an oath of office. Those who are opposed to subscribing to an oath, on account of conscientious scruples, are permitted to solemnly affirm that they will support the constitution of the United States (and of the state, if a state officer), "under the pains and penalties for perjury."

Religious Test Prohibited. — The abolition of a religious test as a qualification for office seemed strange to many people a century ago. At that time nearly every civilized nation on the earth required that its officers should all be members of the established church. The religious

freedom guaranteed in other parts of the constitution could hardly have been made practicable without the addition of this clause.

ARTICLE VII.—Ratification of the Constitution.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Constitution Operative.—The refusal of Maryland to ratify the articles of confederation for so many years led to the adoption of this article. It was thought proper for the new government to begin its work whenever the assent of two-thirds of all the states had been given to the constitution. By the time the government was organized, eleven states had agreed to be governed by the new plan, and it was not long until the remaining two of the thirteen original states were added to the sisterhood of states.

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